

California Public Utilities Commission

Guide to Public Participation

PUBLIC UTILITIES COMMISSION

OF THE

STATE OF CALIFORNIA

Order Instituting Rulemaking...)

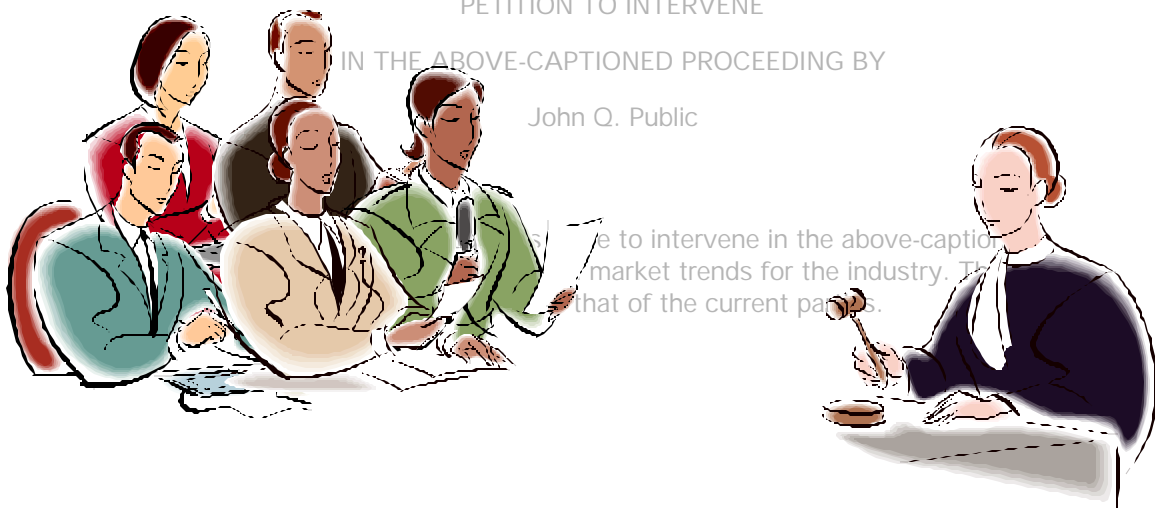
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R.03-00-001

PETITION TO INTERVENE

IN THE ABOVE-CAPTIONED PROCEEDING BY

John Q. Public



"Never doubt that a small group of thoughtful, committed citizens can change the world. In fact, it's the only thing that ever has," Margaret Mead, 1901 - 1978.



This Guide is dedicated to all the people who wish to participate in California Public Utilities Commission (CPUC) proceedings. We hope this makes their task a little easier and that they accept our thanks for bringing their interests and ideas to the table.

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Revised August, 2003; authored by Kyle DeVine

CALIFORNIA PUBLIC UTILITIES COMMISSION

The five Commissioners of the California Public Utilities Commission are appointed by the Governor and confirmed by the State Senate for six year terms which are staggered to assure experienced members on the board.

	APPOINTED	TERM EXPIRES
President Michael R. Peevey reappointed	3/5/2002 1/1/2003	12/31/2002 12/31/2008
Commissioner Carl Wood	6/21/1999	12/31/2004
*Commissioner Loretta M. Lynch	1/5/2000	12/31/2004
Commissioner Geoffrey F. Brown	1/26/2001	12/31/2006
Commissioner Susan P. Kennedy	1/10/2003	12/31/2008

Executive Director: William Ahern

General Counsel: Randolph Wu

All current commissioners were appointed by Governor Gray Davis

*Completing a former Commissioner's term

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Introduction

This guide was compiled to help individuals or groups participate or intervene in CPUC proceedings. The Commission values your participation because your input adds to the record that the Commission relies on in its decision-making process. Even if you do not succeed in persuading the Commission to adopt your suggestions, the position you present may draw out ideas from other parties that may have been overlooked. If an intervenor shows financial hardship and makes a substantial contribution to a proceeding, the intervenor may receive some compensation for their work.

Why do people intervene in CPUC proceedings? People participate for a variety of reasons. They may be dissatisfied with a utility's specific actions, such as a service or billing problem, or may wish to change policy. Many individuals and groups have successfully intervened in CPUC proceedings. For example, a group of farmers (now known as The Agricultural Energy Consumers Association) succeeded in changing electricity rates for agricultural customers.

If we can be of service to you in participating in CPUC proceedings, contact either our San Francisco or Los Angeles Public Advisor's Office. See the first page of this guide for contact information.

We have carefully compiled the information in this guide, but you should never let it substitute for your own reading of the California Public Utilities Commission Rules of Practice and Procedure, or information from other sources or experts on Commission procedures, or specific information from the Public Advisor's Offices.

Most references in this guide are to the CPUC Rules of Practice and Procedure (RPP) and the California Public Utilities Code (PU Code). Both may be downloaded from the Internet at www.cpuc.ca.gov under "Laws, Rules, and Procedures."

What is the California Public Utilities Commission?

In 1911, voters passed a constitutional amendment establishing the Railroad Commission to regulate the Southern Pacific Railroad, which at that time was a monopoly rail service. In 1946, the Commission was renamed the California Public Utilities Commission. The Commission regulates rates, service standards, and terms and conditions of service for investor-owned telecommunications, natural gas, electric, water and sewer utilities. It grants operating authority to utilities, household-goods movers, for-hire limousine, shuttle companies and rail systems and monitors safety of utility operations, and rail systems.

The Commission consists of five commissioners, appointed by the governor and confirmed by the State senate for staggered six-year terms. The commissioners are assigned formal proceedings, which entails establishing the range of issues to be addressed in the proceeding, monitoring the proceeding and presenting a proposed decision to the other commissioners at the Commission business meetings. The commissioners make all policy, procedural and other decisions for the agency.

Commission staff includes administrative law judges, attorneys, accountants, analysts, economists, engineers, consumer specialists and administrative and clerical support. For further reading, you may access the Commission's annual report on the website under "About the CPUC."

What is the Public Advisor's Office?

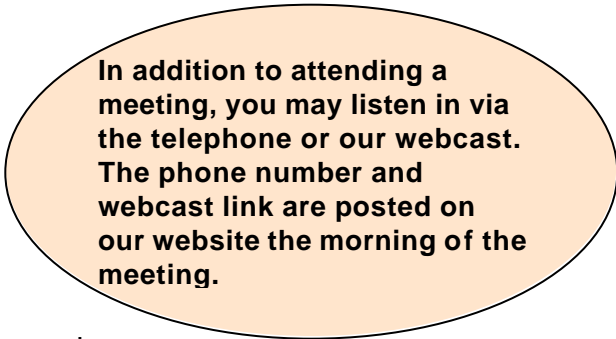
The Public Advisor's Office provides procedural information and advice to individuals and groups who want to comment or advocate positions in formal CPUC proceedings and keeps the Commission informed about barriers that prevent effective public participation. Our staff can help answer questions, locate information, or refer you to an appropriate staff person. We can also provide you with samples of most types of formal filings.

The staff of the Public Advisor's Office attends community functions to explain consumer programs, give guidance on pursuing complaints with utilities, and work with local government officials to answer constituent inquiries on CPUC-related matters. Staff also assists the public in participating in Commission proceedings, such as public hearings, town hall meetings, and commissioner office hours.

Commission Meetings

(RPP Rule 78)

The Commission meets at least once a month and usually twice a month to discuss and vote on issues and to take any other necessary action. Meetings are usually held at headquarters in San Francisco and are open to the public. Usually after the public session, the Commission holds closed sessions. The meeting schedule is available from the Public Advisor's Office and our website.



In addition to attending a meeting, you may listen in via the telephone or our webcast. The phone number and webcast link are posted on our website the morning of the meeting.

Prior to each Commission meeting, all items listed on the public portion of the agenda are made available to the public.

The agenda and all related available decisions are mailed 10 days before the Commission meeting.

You may order the entire public agenda package in hard copy by calling 415-703-1798. These agenda packages will be available on the same date (the "distribution date") that the agenda is distributed (mailed), which is 10 days prior to the Commission meeting. The package will contain all public agenda item documents available that day. The charge for a one-year subscription to the agenda package is \$1,000. You may order a partial agenda package, for example telecommunications items only, for \$500. Intervenor who have a request for determination of financial hardship either pending or granted are eligible to receive the public agenda package at no charge.

The agenda, with links to items listed on it, is also posted on the Commission's website and you may download it and any item on it for free.

Any document that is not ready on the distribution date will be available at no charge in a Commission Courtroom (Escutia Room) the day of the meeting and at least one hour before the Commission discusses the item.

The Commission will also make agenda item documents available for viewing and photocopying (at 20 cents per page) at the Commission's Central Files Room in San Francisco, and at the Commission offices in Los Angeles and San Diego. The packages are mailed to Los Angeles and San Diego and will be available there a day or two after the distribution date.

Public Comment at Business Meetings

(Government Code Section 11125.7)

The Commission has established a public comment period at the beginning of each Commission meeting to give members of the public, who were not parties to a proceeding, an opportunity to comment on items on the Commission agenda.

You may comment on any agenda item except:

- Individual complaint cases and license matters that have been to hearing.
- Closed Session items.

If you are unsure whether an item is open for public comment, contact the Public Advisor's Office.

If you wish to comment, you will be asked to complete the bottom part of the speaker form stating that you are not a party or affiliated with a party or were asked to speak by any party that participated in the proceeding related to the item that you wish to address.

To comment on agenda items, complete a CPUC speaker card and return it to the Public Advisor **before the meeting begins**. When the Commission President calls your name, step up to the podium, state your name and make your comments. You will be allowed up to three minutes for your comments and someone will advise you when your time is up. Commissioners may or may not respond to your statements. All Commission meetings are recorded; please contact our Communications Office at 415-703-1366 if you want a copy of the tape. You may also listen to a replay of the meeting through our webcast archive page on our website. The replays are posted a day or two after the meeting.

Further information about the Commission meetings and its agenda is available on our website under the “CPUC Resources” links on the lower left of the page.

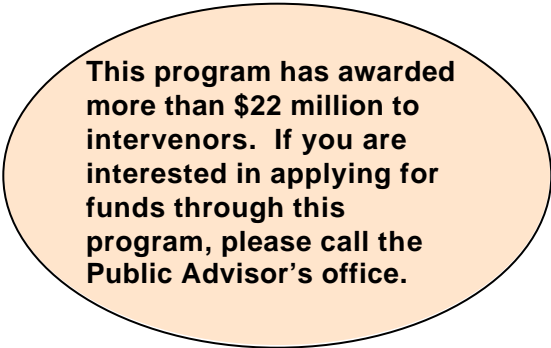
The CPUC auditorium is wheelchair accessible. Special accommodations for the meeting, such as sign or language interpreters, can be made by calling the Public Advisor’s Office at least three days in advance at 415-703-2074, or TTY # 415-703-5383 or toll free 866-836-7825.

Intervenor Funding

Intervenor Funding Program

(PU Code 1801-1812)

To promote public involvement in CPUC proceedings, the intervenor funding program (described in RPP, Article 18.8 and the PU Code beginning with Section 1801) was established. It provides after-the-fact funding (compensation is awarded after the proceeding is concluded, not before or during) to groups or individuals who have a financial hardship and who have made contributions to a decision adopted by the Commission. This program covers telecommunications, electric, natural gas and water matters. The program does not compensate complainants in their own complaint cases (reference D.95-10-050).



This program has awarded more than \$22 million to intervenors. If you are interested in applying for funds through this program, please call the Public Advisor's office.

Notice of Intent to Claim Compensation

To file for intervenor funding, an intervenor must first file a "Notice of Intent to Claim Compensation" within 30 days after the prehearing conference. However, compensation is not awarded until after a decision is reached in the proceeding. Within 60 days after a final decision is mailed, an intervenor may file for a compensation award. See the Appendix beginning on page "xxv" for samples of compensation spreadsheets.

The notice of intent **must** include the following:

- A statement of the nature and the extent of the intervenor's planned participation in the proceeding as can best be described when the notice to intervene is filed.
- An itemized estimate of the compensation that the intervenor expects to request, given the likely duration of the proceeding as it appears at the time.

The notice of intent **may** also include a showing by the intervenor that participation in the hearing or proceeding would pose a significant financial hardship. If this showing is not included in the notice of intent, then it must be included in the party's request for award, which follows the issuance of the final order or decision in the proceeding.

You may want to read decision D.95-10-050 in Case C.92-09-024 (Grinstead vs. PG&E). It contains valuable information and history and concludes that individuals may not claim intervenor compensation in their own complaints. Contact the Public Advisor's Office or Central Files for a copy of this decision. Also, D.98-04-059 in the proceeding OII.97-01-010 and OIR.97-10-009 (CPUC Investigation and Rulemaking on Intervenor Compensation) provides definitions for "customer" and "significant financial hardship." You may obtain copies of these decisions from the Public Advisor's office.

Steps in filing a Notice of Intent to Claim Compensation

File the original and seven copies (after a service list is established only four copies are needed instead of seven) of:

- Intent to Claim Compensation
- Verification (you must sign it yourself)
- Certificate of Service (you can sign it yourself)
- Service List

Serve each person on the service list (except those listed as "information only") a copy of the Intent to Claim Compensation. Service lists are available for each proceeding from the CPUC website under "Proceedings."

The Office of Ratepayer Advocates (ORA) by statute is an independent arm of the Commission, which advocates in proceedings on behalf of all classes of utility ratepayers: residential, commercial, agricultural and industrial. As a part of your participation in CPUC proceedings, you might consider contacting ORA staff to clarify the extent of their participation.

Overview of Steps from Prehearing Conference to Review of Decision

After the Chief Administrative Law Judge and Commission President assign an administrative law judge (ALJ) and commissioner to a case, a prehearing conference (PHC) is usually held to schedule hearing dates, to establish a service list and to give participants a chance to outline the issues on which they intend to focus.

After the PHC all parties may begin “discovery.” Discovery may be a written request for information about the facts that support a participant’s position. Data requests are the most commonly used discovery method at the CPUC.

The assigned commissioner will consider the application, protests, responses, and the prehearing conference statements (if one is held), and will issue a ruling, referred to as a “Scoping Memo,” that designates the category (adjudicatory, ratesetting or quasi-legislative), need for hearing, issues, schedule, and as appropriate, the principal hearing officer or presiding officer, which could be either the assigned commissioner or an ALJ. The category portion of the ruling can be appealed (RPP Rule 6.4).

Evidentiary hearings are held in many cases and resemble formal courtroom-style proceedings. Participants do not have to be represented by attorneys nor do they need to know rules or courtroom procedures in great detail. The ALJ will often explain procedures to parties who are not familiar with the process. You can also contact the Public Advisor's Office if you have questions.

At the conclusion of evidentiary hearings there is usually a period where parties may summarize their points of view based on the record. This is usually done in writing by filing “briefs.”

Oral argument is frequently allowed at the conclusion of hearings in major cases to give participants a chance to emphasize their main points in person and to rebut arguments raised by other parties in briefs or in oral argument.

After the hearings, briefs and any oral argument, the presiding officer closes the record (submits the case) and drafts a decision.

In ratesetting or quasi-legislative proceedings in which evidentiary hearings have been held, the proposed decision, which may be issued by the ALJ or the assigned commissioner, is published for 30 days before it may be discussed and voted on at a business meeting. Parties may submit comments within 20 days of the mailing date pointing out perceived errors in the proposed decision. The ALJ or assigned commissioner may revise the proposed decision in response to the comments received.

Any commissioner may publish an alternate proposed decision if the commissioner disagrees with the proposed decision. Generally, alternate proposals are circulated for comment. When the Commission meets in public session, the commissioners consider the proposed decision and any alternates and vote their preference. A majority of the commissioners present at the meeting must vote in favor of a decision for it to become a final Commission decision.

In adjudicatory proceedings (certain complaints or enforcement matters) in which a hearing was held, the ALJ issues a Presiding Officer's Decision (POD). The POD is filed with the Commission and served on all parties. Any party to the proceeding may appeal, and any commissioner may request review of the POD within 30 days of when it was mailed. An appeal or request for review is made to point out an unlawful or erroneous decision. If no appeal or request for review is filed within 30 days, the POD automatically becomes the final decision of the Commission.

Complaints or proceedings that are not protested and are decided without a hearing may not be mailed to parties for comment; however, they will be listed on the Commission's meeting agenda, and the proposed decision will be included in the complete agenda package.

If a party to a proceeding, or someone with financial interest in a utility, such as a shareholder, believes the Commission's decision contains legal error, the entity may apply for rehearing. Many applications for rehearing must be filed within 30 days of the date the decision is mailed to the parties. Read Article VI of the PU Code for more information on applications for rehearing. The Commission considers applications for rehearing in Executive Session, which is the closed portion of the regular meeting. The Commission may completely or partly deny an application for rehearing, clarify or modify the original decision, and/or order additional hearings.

When the Commission issues a decision on an application for rehearing the applicant may, within 30 days of the date the decision is mailed, file a petition for a writ of review (also known as writ of certiorari) in a California court of appeal or with the California Supreme Court.

CPUC Practices

Whether you are filing a formal complaint or intervening in a proceeding, it may be helpful for you to understand some CPUC practices and procedures. Some are summarized here. You should refer to the Rules of Practice and Procedure or call the Public Advisor's office for more information.

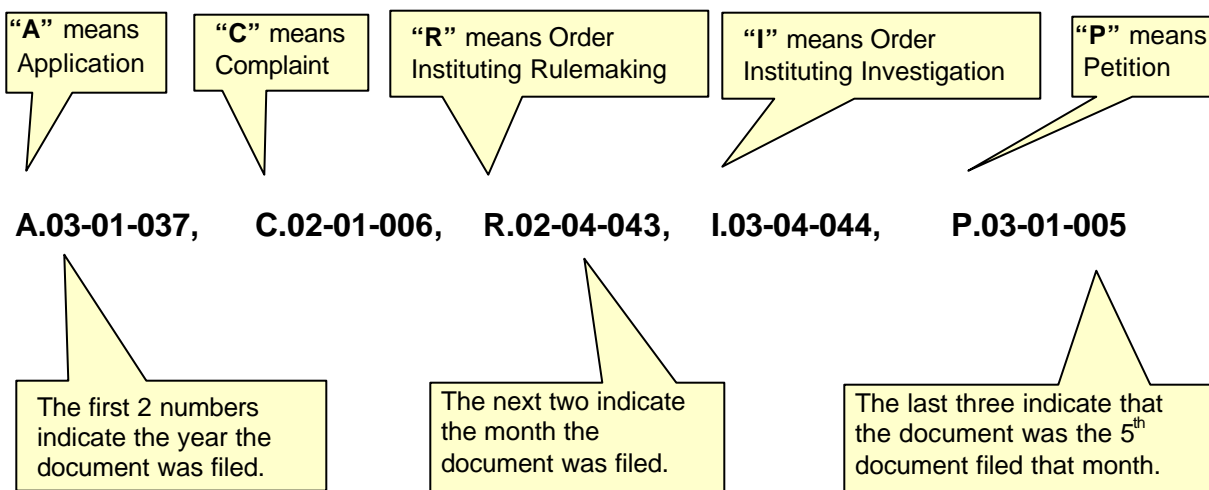
Obtain a copy of the Rules of Practice and Procedure from our office or the website.

Proceeding Number

Once the Commission accepts a case, it is assigned a proceeding number, commissioner, and ALJ.

You will need to refer to the proceeding number on every document you submit in the case. You will also need it to track the proceeding or Commission-issued documents. If you do not know the proceeding number, call the Docket Office at 415-703-2121. Provide the name of the party that filed the proceeding, what the party asks for and the approximate filing date and the docket clerk may be able to tell you the case number. If you have any problems you should contact the Public Advisor's Office.

Understanding proceeding numbers:



Assigned Commissioner/Administrative Law Judge

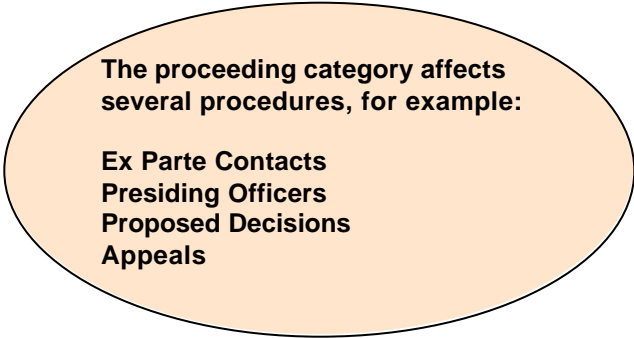
It is important for you to know which ALJ and commissioner are assigned to your proceeding. You can obtain this information from the Docket Office or the Public Advisor's Office or under the proceeding on the website.

The most efficient way to handle procedural questions with the ALJ is at the Prehearing Conference (PHC) or evidentiary hearing (EH). That way all parties can respond to your request and are notified of any changes to the schedule. If that's not possible, you may contact the ALJ directly to discuss procedural matters. Issues in the proceeding should not be discussed with the ALJ except in the hearing room and in the presence of other parties. Issue discussions outside of the hearing room may be considered ex parte contacts and there are specific rules about those contacts.

Proceeding Categories

(RPP Article 2.5)

Shortly after an application or formal complaint has been filed or the Commission initiates an investigation, it will be categorized as either adjudicatory, ratesetting, or quasi-legislative.



The proceeding category affects several procedures, for example:

Ex Parte Contacts
Presiding Officers
Proposed Decisions
Appeals

Adjudicatory - proceedings that (1) investigate possible violations of any provision of statutory law or Commission rule; or (2) complaints against regulated entities, including complaints about the accuracy of a bill, but excluding complaints about the reasonableness of rates or charges.

Quasi-Legislative - proceedings that establish policy or rules affecting an industry, such as a bill of rights for all telecommunications companies, or specific services in an industry, such as guidelines for overhead wires.

Ratesetting - proceedings in which the Commission sets or investigates rates, or establishes a mechanism that sets the rates for a specific utility (or utilities). Ratesetting proceedings include complaints that challenge the reasonableness of rates or charges. "Ratesetting" is also the default category for proceedings that may not fit easily into other categories.

Once the category has been determined, the proceeding will follow a certain "track" specific to that category.

In some cases, such as Expedited Complaints and proceedings where no hearings will be held, categorization and the other rules in RPP Article 2.5 may not apply. If you are in doubt regarding the category of a proceeding, or if you feel a proceeding has been placed in an incorrect category, or have any other questions, consult the Rules of Practice and Procedure or contact the Public Advisor's Office for assistance.

When a **complaint** is formally filed with the Commission, the complainant is asked to propose one of the three previously mentioned categories for the complaint. The Commission will note its approved category for the complaint in the "instructions to answer" which are sent to the defendant. The instructions also identify the commissioner and the ALJ assigned to the proceeding.

When an **application** is filed with the Commission, the applicant must suggest a category. The Commission will issue a resolution that preliminarily categorizes the application and preliminarily determines if hearings are needed. Any person protesting or responding to an application may include comments or objections to the proposed category, need for hearing, issues to be considered, and proposed schedule.

Settlements/Stipulations

(RPP Rule 51.1)

Parties may stipulate (or agree) to resolve any issue that is material to that proceeding, or may settle on an outcome with or without resolving material issues. If the Commission accepts the settlement, the proceeding's hearings may be cancelled.

Before filing a stipulation or settlement, the settling parties must convene at least one noticed conference that provides all parties an opportunity to participate in the stipulation or settlement discussion. Written notice of the date, time and place must be furnished at least seven days in advance to all parties to the proceeding. Notice of any subsequent meeting may be given orally, with less than seven days notice, and may be limited to prior conference attendees and those parties specifically requesting notice. Attendance at any stipulation or settlement conference is limited to the parties to a proceeding. No transcript or other public document is produced pertaining to the discussion at the meeting, but the settlement itself is filed in the proceeding and served on all parties.

Comments on Settlements/Stipulations

(RPP Rules 51.4 and 51.5)

Whenever a party to a proceeding does not join in a stipulation or settlement, the party has 30 days from the mailing date of the stipulation or settlement to file comments contesting all or part of it and to serve such comments on all parties to the proceeding.

Parties have 15 days after the comments are filed to reply to them. The assigned ALJ may extend the comment period and/or responses.

The comments should specify the portions of the stipulation or settlement opposed, the legal basis of the opposition and the factual issues that it contests.

Hearings will be held on the contested issues as soon after the close of the comment period as reasonably possible. The Commission may decline to adopt a proposed stipulation or settlement without a hearing if the Commission determines that the stipulation or settlement is not in the public interest.

Transcripts

Transcripts are the verbatim account of all words spoken while on the record. All formal CPUC evidentiary hearings except Expedited Complaints are transcribed. Transcripts are available for review in Central Files. Transcripts of current proceedings may be ordered from the Reporting Section for \$2.00 per page. Copies of "Daily" transcripts – those provided the day after a hearing - are \$6.00 a page. ASCII disks are available at \$20.00 per transcript only for parties ordering complete transcripts. There is a Transcript Order form on the Appearance Form, which should be filled out and turned in at the PHC or at the start of the evidentiary hearings. Special transcript requests should be directed to the Chief Reporter (415) 703-1473.

The CPUC provides transcripts without charge to participants who have received a financial hardship determination (PU Code 1804).¹ The Commission asks participants to request only those transcripts related to areas in which they are actively participating or expecting to participate. Participants must inform the Court Reporter in advance when they will need transcripts and when they no longer need them.

The Commission's Central Files receives one copy of each transcript in a proceeding. This copy is available to the public, but cannot be removed from the file room. Parties who have a financial hardship determination pending may request a copy to check out for 24 hours. Direct your questions about this policy to the Public Advisor's Office.

¹ Participants in the Commission proceedings who have received a financial hardship determination in line with the provisions of PU Code, Division 1, Part 1, Chapter 9, Article 5 (beginning with section 1801).

Service List Information

Proceedings may have three different types of service lists – Appearance, State Service and Information Only. Service lists are posted on our website under “Proceedings.”

Appearance (Party status) - at the beginning of most proceedings, the Appearance List includes those who have filed an application, protest or motion to intervene in a similar proceeding. In a complaint proceeding, it includes the complainant and any defendants. To remain in this category for the specific proceeding, you must file an “Appearance” at the first hearing. To get on the list for the first time, you file an Appearance at the direction of the ALJ.

Those on the Appearance list receive all formally filed documents.

State Service (Non-party status) - includes state employees, including, Commission staff, Legislators and their staff, and other state agencies’ staff that have indicated in writing to the Process Office that they wish to be included in this category to monitor a proceeding. Parties also provide documents to everyone on this list.

Information Only (Non-party status) - members in this category will receive all Commission generated notices of hearing, rulings, proposed decisions and Commission decisions at no charge. Parties are not required to serve on those included in the Information Only category but members on this list may call parties and ask for copies. If electronic service is authorized in the proceeding, those individuals on the information-only portion of the service list who provide e-mail addresses may also receive documents electronically.

Requests to be added to the Information Only category may be made by letter to the Commission’s Process Office at 505 Van Ness Avenue, San Francisco, CA 94102, (415) 703-2021.

File and Serve

(RPP Article 2)

“File” means a signed original and seven copies of your document have been accepted for filing by the Docket Office. A complaint requires a signed original, seven copies plus one more copy for each utility you are filing the complaint against (RPP Rule 11). The Docket Office serves complaints,

File: file a document with the Docket office.

Serve: provide copies of a document to parties.

unlike other pleadings (RPP Rule 12). "Served" means you have sent a copy of your document to everyone on the service list, and to the Administrative Law Judge.

You must include a Certificate of Service (RPP Rule 22) with your filing as a proof that you have provided a copy to everyone on the service list. Also include a copy of that service list with the original that is filed with the Docket Office. See page "xxii" for sample form.

The Certificate of Service must state:

- The exact title of the document served,
- The place, date, and manner of service, and
- The name of the person making the service.

The assigned ALJ may direct that service be made by electronic means (RPP Rule 2.3(b)). E-mail addresses are available from the service lists.

Verification

(RPP Rule 2.4)

This is a sworn statement that the information included in your document is true and accurate to the best of your knowledge at the time. Rule 2.4 indicates which documents must be verified. See page "xxiii" for sample form.

Deadlines

If a document is mailed, it must be mailed in time to reach the Docket Office by 5:00 p.m. on the filing date. Documents that are mailed or hand delivered to the Los Angeles and San Diego branch offices will be logged in as filed the day the branch office receives the document. Documents delivered to Los Angeles and San Diego must also include sufficient postage for those offices to forward the documents to the central Docket Office in San Francisco.

Filing deadlines are normally based on calendar days unless otherwise specified by the ALJ. If a deadline, such as an automatic 20-day period to comment, falls on a weekend or state recognized holiday, the next business day becomes the due date.

Types of Proceedings

This is a brief description of the types of CPUC proceedings. There are other sources that provide more detailed information, such as the CPUC Rules of Practice and Procedure.

OII and OIR

An Order Instituting Investigation (OII) is an investigation initiated by the Commission to examine specific issues that may lead to new or changed legislation, programs, enforcement, policies, or rates. OIIs generally include hearings.

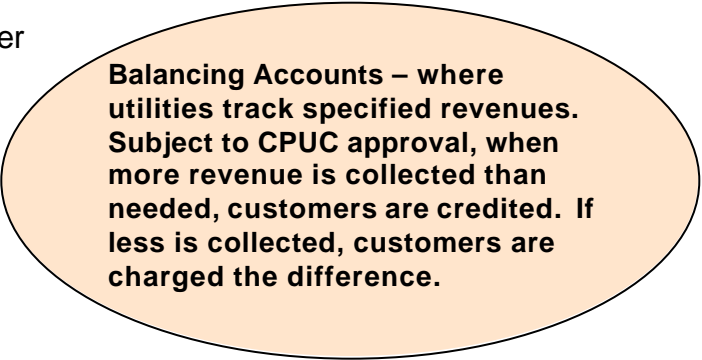
An Order Instituting Rulemaking (OIR) is a Commission initiated proceeding to establish new rules. OIRs may not have hearings, and may only require the filing of comments by parties. For example, an OIR was commenced to determine implementation of the intervenor funding rules.

Applications

Utilities must file applications for many requests such as, to start up service, add facilities, merge or form holding companies, change revenue requirement, rates or issue stock. Every three years energy, large water utilities and most small, local service telecommunications companies file applications, referred to as General Rate Cases (GRC), to consider changes to their revenue requirement based on their operations and maintenance expenses. A small telephone company whose total projected revenue is less than \$750,000 may pursue a GRC through an advice letter.

Rate Adjustment Proceedings

In the years between General Rate Cases, other applications may be filed to offset utility costs such as, fuel related costs, water purchases, natural gas purchases, loans or attrition. The Commission may also review reasonableness of these costs.



Balancing Accounts – where utilities track specified revenues. Subject to CPUC approval, when more revenue is collected than needed, customers are credited. If less is collected, customers are charged the difference.

Biennial Cost Allocation Proceeding (BCAP)

BCAP's are held every two years to determine revenue requirement for costs to purchase gas for utility customers and to determine how to recover those costs from customers.

Attrition Rate Adjustment (ARA)

In the years between general rate cases, the utilities are allowed to file for rate adjustments due to inflation.

Performance Based Ratemaking (PBR)

PBR is a revenue sharing mechanism developed to encourage utilities to improve their service and lower their costs. Benchmarks on certain elements of utility service are set, such as cost for distribution of electricity. When the utility meets the benchmark, the utility gets to keep the revenue it saved – and may share profits with shareholders. When the utility doesn't meet the benchmark, the utility or shareholders absorb the extra costs. When the utility exceeds the benchmark by a certain margin, the extra revenue the utility saved is shared with ratepayers.

New Regulatory Framework (NRF)

NRF is a relaxed form of regulation for major telecommunications utilities, which face competition. The incentives are intended to encourage new services, streamline regulation, and provide safeguards for both shareholders and ratepayers, while promoting the Commission's regulatory goals of: (1) universal service, (2) economic efficiency, (3) technical advance, (4) financial and rate stability, (5) full utilization of local exchange network, (6) avoidance of cross subsidies and anti-competitive behavior, and (7) low-cost, efficient regulation.²

Incentives are not automatic, the utility files an application or advice letter showing its findings and requesting the incentive. These filings may be reviewed and commented on by parties and the Commission's divisions.

² (D.95-12-052, 63 CPUC 2d 377, 381 and footnote 2 at 411; also see (D.89-11-031 CPUC 2d 43, 92-115.)

Formal Complaints

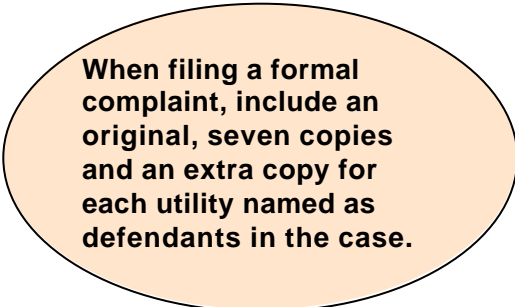
(RPP Rules 9-13.2 and PU Code Sections 1702-1708)

A formal complaint is an allegation by a person, business or government entity that a utility has violated the Public Utilities Code, a Commission decision or regulation, or has failed to do something the CPUC required of it. The Public Advisor's Office can provide you with a document that explains how to file a formal complaint.

The complainant must prove the case, which is done by presenting your own testimony or the testimony of others, and relevant documents. You should have four copies of all documents or exhibits you intend to submit as evidence. The ALJ will listen to the evidence from both parties and will decide afterward whether the complainant has met the “burden of proof” and whether to grant the relief requested.

If requested in your complaint and if administratively possible, the hearing may be held in your community. If you have a situation that prevents you from traveling, please indicate your restriction in your request.

Other parties may file a “Petition to Intervene,” explaining their position and interest and the ALJ will determine whether to grant the petition. A Petition to Intervene must be filed at least five days before hearings are set. (RPP Rule 53.)



When filing a formal complaint, include an original, seven copies and an extra copy for each utility named as defendants in the case.

If your complaint concerns the reasonableness of a utility's rates, it must be signed by the mayor, president or chairperson of the Board of Trustees or a majority of a council, commission or other legislative body of the city or county, or by at least 25 actual or prospective consumers of the utility's service (RPP Rule 9).

You may request that your formal complaint be handled under the Commission's **regular** formal complaint procedure. If you do not indicate which you prefer (and if the amount is less than \$5,000) the Docket Office will generally file it as an **expedited complaint**. The expedited complaint procedure applies only to electric, gas, water, and telephone utility complaints.

Expedited and Regular Complaint Comparison

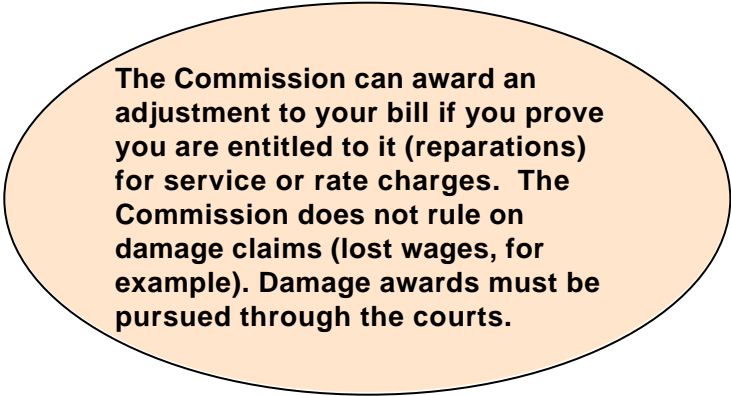
The Commission has two kinds of formal complaints: the expedited complaint procedure (ECP) and the regular complaint procedure. The following explains the major differences.

Expedited Complaint	Regular Complaint
Only for cases where the disputed amount is less than \$5,000.	For any amount of money.
No court reporter transcribes the proceeding.	Court reporter transcribes the proceeding.
No attorney may represent either party.	Attorneys may represent either party.
Hearing held within 30 days after utility files its answer.	ALJ may decide without a hearing, but if one is ordered, there is no time deadline for holding a hearing. Complaint must be decided within one year.
If a rehearing is granted, the rehearing is heard under the regular complaint procedure.	If a Presiding Officer's Decision (POD) is issued, parties have 30 days to appeal to the Commission or any Commissioner may request review, before decision becomes a final decision. If a rehearing of a final decision is granted, the rehearing follows the regular complaint procedure.

The Docket Office can reject a formal complaint for technical and/or procedural reasons. If rejected, the Docket Clerk will explain why and what you must do to correct it. When the formal complaint is accepted, the Docket Clerk will issue a case number. If you want the Docket Office to send you an official copy of your complaint with the case number, you should include an extra copy of the complaint with a self-addressed, stamped envelope when you file your complaint.

The Docket Office will mail a copy of the formal complaint to the defendant, directing an answer in 30 days, 20 days under the expedited procedure. You will receive a copy of the instructions that were sent to the defendant with the case number and the date the answer is due. The instructions will indicate the ALJ assigned to your case. If your complaint is a regular complaint, and not an ECP, the instructions will also identify the category assigned to your case. A copy of the defendant's answer will be sent to you. The ALJ may schedule a prehearing conference to determine the issues and hearing schedule. You will be notified of the date, time and location for the hearing.

Under the expedited procedure, the hearing will be noticed at the time the complaint is served on the utility. It will be held within 30 days after the utility files its answer. ECP hearings will usually be held on Thursdays in San Francisco and on Fridays in Los Angeles. If you request that your hearing be held in a location other than San Francisco or Los Angeles, it may not be possible to set the hearing within 30 days of the answer, but it will be as close to that time frame as possible.



The Commission can award an adjustment to your bill if you prove you are entitled to it (reparations) for service or rate charges. The Commission does not rule on damage claims (lost wages, for example). Damage awards must be pursued through the courts.

Most formal complaints are categorized as adjudicatory. In adjudicatory cases, the ALJ mails a Presiding Officer's Decision (POD) no later than 60 days after the case is submitted. The POD becomes the Commission's final decision without the Commissioners voting on it if no appeal by parties or request for review from Commissioners is made to the Commission within 30 days after the POD was mailed.

Appeals and request for review must be made on only grounds that the POD is unlawful or erroneous and the party or Commissioner must state the reason(s) why (RPP Rule 8.2). The Commission will then review the appeal, hold a hearing if necessary and then, either sustain the POD or vote on an alternate at a Commission meeting. You may file an Application for Rehearing or a Petition for Modification if you do not agree with the outcome of the Commission's final decision.

Mobile Home Park Water Complaints

Mobile home park residents that are not billed directly from a water company are not considered customers of the water company. The water company regards the landlord of the mobile home park as its customer; therefore, the water company usually will not accept complaints from the residents. However, residents may file a formal complaint with the Commission against the water company for unreasonable rates and/or rates too high for the quality of service provided. Mobile home park residents filing this kind of complaint do not need to obtain the usual 25 signatures.

Advice Letters and Resolutions

(General Order 96-B)

An advice letter is a request made by a utility to change rates or services. Advice letters may be filed to comply with Commission orders (referred to as “Compliance Filings”), to deviate from approved tariffs or to offer a new service. The form, content and information on how to file and protest an advice letter are found in General Order 96-B available from our Documents Office at (415) 703-1542 or from our website under “Laws, Rules, and Procedures.”

Advice letters are noticed three times a week in the CPUC Daily Calendar. The notice includes the advice letter number, a description of the request, who to contact for further information about the filing, the effective date of the advice letter if known, and how to file a protest. If you want copies of advice letters and the related tariff sheets, contact the Director of Regulatory Affairs of the utility that filed the advice letter (see appendix for addresses and telephone numbers for major utilities). A copy should also be available at the utility's local office and may be posted on the utility's website.

Advice letters which Compliance Filings, may become effective immediately and may not be protested, since the issue was already discussed in a Commission proceeding. Advice letters such as those adding new services, become effective 40 days after the date filed unless there is a protest. If requested by a Commission industry division, hearings may be required prior to approval of an advice letter.

Advice Letter Rate Increase Request, Small Water Companies

Small water companies, those having 10,000 or fewer customer connections, are allowed to use the Advice Letter process when requesting a general rate increase. The Commission allows them to use this process because in many cases their requests can be managed easily and the streamlined process helps keep costs down.

A public meeting will be held to enable the company to explain the need for the request. Commission staff attends meetings and explains the staff position and the review process. Customers are welcome to comment on the request or service quality.

If Commission staff determines that the protests are substantial, staff may recommend that the Advice Letter be converted to an application that may require hearings. If not, the protests will be addressed in the resolution prepared by staff.

A utility requesting a rate increase by Advice Letter must notify its customers, stating the present rates and the proposed rates in dollars, the percentage of increase and the reasons for the increase. The notice must also inform customers that they have 20 days after the date the Advice Letter was filed to protest the request.

Advice Letter Protests

To protest an advice letter, mail an original letter or telegram to the Director of the appropriate CPUC Division, to be received no later than 20 days after the Advice Letter was filed. An Advice Letter Supplement is not a new filing, and there is no additional protest period unless indicated.

To inquire about a protest, call the respective division: Energy (415-703-1093), Telecommunications (415-703-1889) or Water (415-703-2028). To obtain a copy of a protest, contact the protestor.

Resolutions

The Commission industry divisions prepare Resolutions for the Commission's approval in response to advice letter filings by utilities, to comply with Commission orders and to address other issues outside of formal proceedings. Copies of resolutions are available from the various tariff units and on the website under Official Documents.

Resolution Comments

(RPP Rule 77.7)

Proposed resolutions, like proposed decisions, may be mailed to parties before the Commission business meeting for comments. Comments are due 10 days before the Commission meeting where the resolution is first scheduled for a vote and are limited to five pages. Replies to the comments are due five days before the first Commission

meeting. Applications for rehearing may be filed by parties and petitions for modification may be filed by anyone. Both use the same rules that apply to appealing Commission decisions (see Petitions for Modifications, Applications for Rehearing in the RPP).

Tariffs

A tariff schedule is a document filed with the CPUC specifying the lawful rates, charges, rules, and conditions under which the utility must operate. Individual pages of the tariff schedule are referred to as tariff sheets.

The Commission's General Order 96-B specifies the tariff format and establishes the filing and publishing procedures. Copies of the General Orders are available from the website for free and there is no charge for the first copy when obtaining them from the Document office, and the Public Advisor's Office.

Tariff schedules can only be changed by CPUC authorization, either through application or by advice letter filing.

Each public utility (gas, electric, telecommunications, water, steam, sewer, pipeline, and household goods carriers) is required to maintain a copy of its tariff schedules and advice letters for the public to view, at its main office in California, and at its more important commercial offices in the territory it serves. Many utilities provide their tariff schedules on their websites. Contact the utility's offices if you have any questions on a current rate schedule or if you wish to review the utility's tariffs. You may also contact the Public Advisor's Office if you need help understanding the tariffs or locating the utilities' offices. The CPUC also has copies of utility tariffs, which are widely used by Commission staff. If you wish to view them, it's best to call ahead to assure the tariffs are available.

Questions about utility tariffs and charges should be directed to the Consumer Affairs Branch. Copies are available at the Central Files Office for 20 cents a page with a minimum of \$2.00.

WMDVBE

Women, Minority and Disabled Veterans Business Enterprise Program (WMDVBE)

The CPUC is required to administer a program, which encourages greater economic opportunity for women-, minority- and disabled veteran-owned business enterprises in providing services and supplies to regulated utilities. The CPUC's General Order 156 outlines the rules developed to implement this legislation.

You may contact the CPUC's WMDVBE program manager for more information. A list of verified WMDVBE providers is posted on the website; a link to the WMDVBE material is found at the lower left side of the website.

A complaint filed against a utility for violation of the Program provisions must comply with Section 7 of General Order 156 and the Commission's Rules of Practice and Procedure, which require that you must first work with the utility administrator of the WMDVBE program to try to resolve the complaint. If that is unsuccessful, contact the Commission's WMDVBE coordinator for assistance and then if still unsuccessful, you may file a complaint with the Commission that must allege a violation of General Order 156, a Commission order or decision. You must also include a statement verifying that you have been unable to resolve the problem with the utility's WMDVBE administrator. If the administrator has given you written notice that he or she cannot help you further, you must attach a copy of that notice to your complaint. You may also file a complaint against the WMDVBE clearinghouse that audits and verifies the status of WMDVBEs. The Public Advisor's Office can give you more information on this type of complaint proceeding.

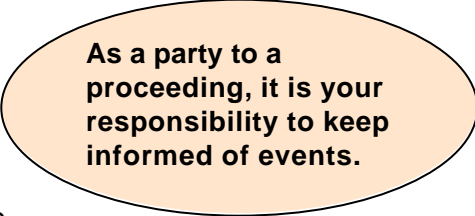
Types of Hearings

Prehearing Conference (PHC)

A prehearing conference is often scheduled to determine the parties, the issues and the preliminary schedule for the proceeding. Appearance forms are usually filed at the PHC. In lengthy and complex proceedings, a second PHC may be scheduled during the course of the proceeding.

Filing an Appearance

If you want to participate in evidentiary hearings as a party to the proceeding, you or your representative should attend the PHC and complete an appearance form. During the PHC, the ALJ may read the names of all appearances and may ask the parties the extent of their participation and the issues they intend to raise; you need to be prepared to provide that information because the ALJ may determine whether to grant the appearance based on the information you provide. See page “xiv” for sample appearance form.



As a party to a proceeding, it is your responsibility to keep informed of events.

It is best to file an appearance as early as possible in a proceeding to begin receiving Commission rulings and party documents. In most cases, you will be appearing as an "Interested Party." See the appendix for a sample appearance form. Although not recommended, you may participate in some cases without attending the hearings. In that case you can file a motion to participate, usually referred to as a "Petition to Intervene" and the ALJ will determine whether to grant the petition.

Once you are a party to the proceeding you will need to either attend the hearings or read the transcripts to keep up to date on when issues are scheduled and when filings are due. Sometimes the ALJ will issue rulings that include this information (you will automatically receive these rulings as a party if they are issued in writing), but schedules often change at a hearing. You may want to find a friend in the proceeding that can fill you in on what happened if you are unable to attend. You may contact the Public Advisor's Office for additional information and assistance.

Evidentiary Hearings

Evidentiary hearings are held in many cases. Parties present their evidence through direct testimony and exhibits. Other parties may question witnesses in an attempt to clarify or challenge aspects of the testimony. The Commission must base its decisions on the information provided during the proceeding, often referred to as the “record.”

Participants do not have to be represented by attorneys nor do they need to know rules or courtroom procedures in great detail. The ALJ will often explain procedures to parties who are not familiar with the process. You may also contact the Public Advisor's Office for answers to your questions.

Evidence

Evidence is the information and facts provided in the proceeding to prove your case. Generally there are five types of evidence: judicial notice, testimony of witnesses, writings and documents, material objects or real evidence, and presumptions or deductions that the law expressly directs to be made from particular facts.

The Commission may rule on whether or not your evidence can be admitted. The Commission generally follows the rules of evidence provided in the California Evidence Code. However, the Commission is not bound by the technical rules of evidence noted in the code. Reference copies of the California Evidence Code are available at law libraries and on the internet at:

<http://www.leginfo.ca.gov/calaw.html>

Witnesses

(RPP Rules 58 and 68)

Parties may have witnesses and expert witnesses to help develop their position. Witnesses do not have to file an appearance in the proceeding. The ALJ usually requires witnesses to provide written testimony to all parties before the witness testifies. Witnesses must be available at the hearing for other parties to cross-examination (question their testimony). Witnesses are sworn in at the beginning of their testimony. After the witness has been sworn, oral testimony is conducted by questions and answers on the written testimony. This consists of **direct examination, cross-examination, redirect and recross.**

Direct examination is the questioning of a witness by the party who called the witness to the stand. Generally, witnesses must give statements of facts rather than opinions. However, expert witnesses may give opinions based on their expertise. Cross-examination is ordinarily limited to the those subjects covered by the written testimony. Any party may cross-examine any witness. Redirect follows cross-examination and recross follows redirect. The ALJ will explain those procedures if you have questions.

Witnesses need to be present only when the issues covered by their testimonies are heard. Witnesses may request a time to testify based on their availability and, generally, the request will be accommodated. This may be done at the PHC or prior to the hearing. Scheduling is usually done early in the proceeding so the witness knows when to be available.

RPP Rule 58 allows the ALJ to limit the number of witnesses or the time for testimony upon a particular issue.

Exhibits

(RPP Rules 70 and 71)

Exhibits are evidence submitted during the proceeding to support the arguments you make in a case. You must have someone testify about the exhibit and be subject to cross-examination. When an exhibit is offered into evidence, the original shall be furnished to the ALJ and a copy shall go to the court reporter and to each party. The ALJ must approve the exhibit and admit it into evidence.

Copies must be clear and permanently legible, on paper not exceeding 8 ½ x 11 inches in size, or bound or folded to that approximate size. Wherever practicable, the sheets of each exhibit should be numbered. Rate comparisons and other figures should be set in tabular form.

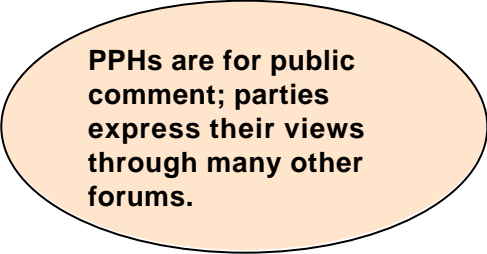
Oral Argument

(RPP Rules 8, 76, 86.3-86.7)

Oral argument allows participants to summarize their positions. Parties in ratesetting, quasi-legislative proceedings or rehearing of adjudicatory proceedings may request them. The Commission or presiding officer may also request oral arguments.

Public Participation Hearings

The Commission holds Public Participation Hearings (PPH) to provide the public an opportunity to tell the Commission their views about a particular proceeding. PPHs are held in general rate cases and other proceedings with widespread public interest. The Commission holds these hearings at locations in the affected area. For example, a PPH would be held in Sacramento in a proceeding for a utility that serves that area. When an issue affects customers statewide or in many areas of the state, many hearings in different locations will be scheduled.



PPHs are for public comment; parties express their views through many other forums.

State law requires regulated utilities to notify customers of the dates and locations of PPHs through bill inserts; advertising or announcements through the media. They are also noticed on the Commission's Daily Calendar. You are encouraged to write your comments to the Public Advisor's Office either by e-mail or regular mail if you cannot attend a PPH.

An Administrative Law Judge presides over the PPH; a commissioner may also be present. A court reporter is present to record statements for a transcript. The Commission's Office or Ratepayer Advocates, staff from industry divisions and the Public Advisor or Outreach Officers may be there. Utility representatives usually attend to help consumers with specific service and billing problems and answer questions.

It is easy to participate in a PPH. If you wish to speak, print your name on the sign-in sheet at the entrance to the meeting room. After introductory remarks by the ALJ, and sometimes the utility and Commission staff, the ALJ will call names off the list. When your name is called, come forward, state and spell your name, then make your statement. Speak slowly and if you have a written statement, bring an extra copy to aid the court reporter. Usually there is no time limit on statements; however, if there are many speakers, the ALJ may limit the time for each speaker so everyone has a chance to speak.

Your statement can include your opinion and concerns about the utility's proposal. You may ask questions about the proposal, which someone will try to answer during the hearing or will get back to you with the answer.

Meetings and Workshops

The Commission schedules public meetings and workshops for parties special interest groups and industry experts to discuss or plan specific items. These are open to the public and frequently there is a portion of time set aside for anyone from the public to speak or ask questions. The meetings and workshops are posted in the CPUC Daily Calendar which is posted on the website. You may also contact the Public Advisor's office if you have questions about attending them.

Formal Documents

As a party to a proceeding you may want to file pleadings or other documents to support your positions. This section describes these documents and how they should comply with the Rules of Practice and Procedure.

Data Requests

A data request is a written request for information and is the most common form of discovery at the Commission. See page xviii for a sample data request. Discovery is the process of obtaining information from another party (or parties) that is relevant to the issues in the proceeding or likely to lead to the discovery of relevant information. Any party can make data requests of any party in a proceeding. The requesting party should specify a reasonable deadline according to the length and complexity of the questions, generally between seven and thirty days.

Data requests and responses to the request can be made prior to the filing of testimony and before hearings begin, but the ALJ may also set a schedule for making and responding to data requests.

Data requests are not part of the proceeding's formal record and are not filed with the Docket Office. There is no requirement in the rules to serve all parties with the request and the answers. The actual request is made directly to the party. As a courtesy, copies of the request can also be sent to the ALJ. Although it is not required, a copy may be made available to any party upon informal request. A letter, briefly explaining why the requested information is required, is sufficient.

The respondent may answer your request, ask for more time to answer, tell you the information is confidential or say that it's irrelevant to the proceeding. You may make a formal motion that asks the ALJ to rule on whether the request is relevant or likely to lead to discovery of relevant information or to rule on confidentiality. If a party does not respond to a data request, you may make a Motion To Compel asking the ALJ to order a response. RPP 59.1 states the Commission encourages parties to cooperate on arrangements for attendance of witnesses and production of documents and to the extent permitted by law, the Commission will honor and enforce parties' agreements to the same extent as subpoenas and subpoenas duces tecum.

Prepared Testimony

(RPP Rule 68 and PU Code Section 1701)

Testimony is the information or evidence presented by a witness in a proceeding. Oral testimony takes place in the hearing; prepared testimony is written testimony served on all parties, usually 10 days before the hearing. The purpose of prepared testimony is to save hearing time.

Prepared testimony should be served on the ALJ, the court reporter, and all parties. The ALJ usually requires two copies although sometimes an ALJ may require more copies. Prepared testimony must be served ten days before the hearing unless other deadlines are set by the ALJ. You are not required to file your prepared testimony with the Docket Office.

Prepared testimony is often in a question and answer format although it may also be in a statement form. The question and answer format is frequently used because it promotes clarity of the party's position and simulates the structure of an actual direct examination of the party. Information about the expertise and background of the witness is also usually included. Sample prepared testimony is available from the Public Advisor's Office.

Subpoenas and Subpoenas Duces Tecum

(RPP Rules 59-61.1)

In most cases at the Commission, subpoenas and subpoenas duces tecum are not necessary. RPP 59.1 states the Commission encourages parties to cooperate on arrangements for attendance of witnesses and production of documents. To the extent permitted by law, the Commission will honor and enforce parties' agreements to the same extent as subpoenas and subpoenas duces tecum.

A subpoena directs a person to appear to testify at a hearing or a deposition. A subpoena duces tecum directs a person to appear and to bring any documents under the person's control. Requests for these must be made to the ALJ assigned to the proceeding. If no ALJ is assigned, the request may be made to the Executive Director's office in San Francisco or Los Angeles.

Only people who are parties to Commission proceedings will be issued subpoenas.

Subpoena forms are available from the Chief ALJ's office in San Francisco and from the

Public Advisor's Office in Los Angeles. A separate subpoena form is required for each individual. However, you can subpoena all documents requested of a party on one subpoena form.

Before serving the subpoena, fill in all appropriate blank portions of the form(s). Service may be made by anyone and is done by personally giving a copy of the subpoena or subpoena duces tecum to the witness. At the same time you must give or offer witness fees to the witness if demanded by him or her. RPP Rule 60 (c) requires that service of a subpoena must be made early enough to allow the witness a reasonable time for preparation and travel to the place of attendance.

Subpoenaed witnesses may receive reimbursement for travel and work time. At the time this guide was published the reimbursement was \$35 per day plus 20 cents per mile for actual miles driven (Section 68093 of the Government Code covers these fees). The witness may negotiate a fee if considered an expert witness.

If a state employee is subpoenaed as an expert witness, the State may require reimbursement of travel and work time. The minimum compensation is \$500 plus travel and per diem expenses for each day or part of a day (Rule 4.2 of General Order 66-C).

A motion to quash (to set aside) a subpoena may be filed to argue that the witness or documents need not be produced. The assigned ALJ may decide whether to grant the motion or may refer it to a Law and Motion ALJ for resolution.

Motions and Petitions

(RPP Rules 45 and 46)

A motion is a formal request made of the ALJ or the Commission asking the Commission to take some specific action. Motions can be made for any number of reasons such as:

- To extend time to make a filing,
- To exclude evidence,
- To dismiss a complaint,
- To compel discovery, and
- To request an immediate prehearing conference.

Motions and responses to them must comply with RPP Rules 2—2.3, and 2.5. You must file an original and seven copies of a motion with a Certificate of Service with the Docket Office, if no service list has been set for the proceeding. If there is a service list, you must file four copies and serve everyone on the service list. Responses must be filed within 15

days of the date of the motion's service unless the ALJ sets a different date for the responses. Samples are available from the Public Advisor's Office.

Oral motions (such as those made in the hearing room) need not be filed or served on parties, but are contained in that day's transcript.

Petitions are functionally equivalent to motions and RPP Rule 45 applies to them, except certain petitions follow other rules - petitions for modification (RPP Rule 47), petitions to intervene (RPP Rule 53), and petitions to set aside submission (RPP Rule 84).

Law and Motion Procedure

(Resolution ALJ-164)

The law and motion procedure is intended to resolve discovery disputes among the parties and applies to any formal matter before the Commission. The specific requirements for filing a discovery-related motion are contained in Resolution ALJ-164, which may be obtained from the Public Advisor's Office or our website under Laws, Rules and Procedures. While most rulings are the responsibility of the Commissioner or ALJ assigned to a proceeding, they have the discretion to defer the following motions to the Law and Motion ALJ for disposition:

- Motions to Compel Discovery
- Motions to Limit Discovery and/or for a protective order
- Motions for Leave to File Under Seal
- Motions for Extension of Time to Comply with Discovery Order

Briefs

(RPP Rule 75)

Briefs are submitted in writing and summarize a party's evidence and legal arguments, state how the evidence supports a party's position, and explain why the Commission should not adopt the other parties' position. In most instances briefs take the place of Oral Argument. Briefs are not evidence. Only evidence in the record may be included in the brief. If the ALJ calls for briefs, then they must be filed in compliance with RPP Rules 2-2.6 and served on all parties. The ALJ will set the schedule for filing briefs, which are due after hearings are completed. Sometimes the ALJ may require briefs at the completion of hearings on a particular issue.

Formal Protests to Applications

(RPP Rules 44-44.6)

A protest is a formal pleading containing:

- An objection to granting the authority sought in an application or petition for modification.
- A request for public hearing.
- An offer of evidence that the protestant would sponsor or elicit at a hearing.

A protest should be filed as soon as possible and must be filed within 30 days from when the application's filing first is noticed in the Daily Calendar, unless a rule, decision or General Order provides otherwise. A protest does not ensure that a hearing will be held and must comply with RPP Rules 2—2.2, and 2.5 and shall include the following:

- Protestant's full name, mailing address and telephone number.
- The facts constituting the grounds for the protest.
- The effect of the application on the protestant.
- Why the application may not be justified.
- The facts the protestant would develop which could result in denial of the application in whole or part.

Ex Parte Communications

(RPP Rule 1.4 and Article 2.5)

Written or verbal communications about substantive issues in a case in which you are participating, that are discussed with the ALJ, Commissioners or certain other CPUC staff members outside the hearing room, are referred to as “ex parte communications.”³ Ex parte communications are:

- Prohibited in adjudicatory cases, which is how most formal complaints are categorized,
- Allowed without restriction or reporting requirements in quasi-legislative cases, and
- Allowed with specific restrictions and reporting requirements in ratesetting cases unless the assigned ALJ or Commissioner issues a ruling banning them.

³ Nonsubstantive inquiries such as questions about the schedule, location or hearing format, are considered procedural communications and are not ex parte contacts.

The complete text of the ex parte rules may be found in the Rules of Practice and Procedure. See RPP Article 1.5 for ECPs and some cases filed before January 1, 1998, and RPP Article 2.5 for cases filed after January 1, 1998. Contact the Public Advisor's Office if you need assistance.

If a party makes an ex parte communication in a ratemaking proceeding where such communications are not prohibited, the party must file an original and seven copies of a notice of ex parte contact within three working days of the contact with the Docket Office in San Francisco. The notice must include:

- The date, time and location of the communication, and whether it was oral, written, or a combination,
- The identities of each decisionmaker involved, the person initiating the communication, and everyone present,
- A description of the party's, but not the decisionmaker's, communication, and
- A copy of any written, audiovisual or other material used for the communication.

If the notice and seven copies are filed in the Los Angeles office, then to meet the time requirement, the party must fax a copy of the notice (stamped received by the Los Angeles Office), to the San Francisco Docket Office by 3:00 p.m. of the third working day after the communication took place.

The ex parte rules may vary depending on whether the proceeding was filed before January 1, 1998, and the category of the proceeding. Before attempting to make any contact with a decisionmaker, we strongly advise that you:

- Determine whether the proceeding is subject to ex parte restrictions,
- Determine the category of the proceeding,
- Consult the Rules of Practice and Procedure, and
- Contact the Public Advisor's Office for guidance.

Ex Parte Communications Guidelines for Ratesetting Proceedings

Who Makes an Ex Parte Contact	<p>“Interested Persons”</p> <p>Applicants, protestants, respondents, petitioners, complainants, defendants, interested parties making a formal appearance, Commission staff serving in an advocacy role, people with financial interest, or people, agents, employees that represent formally organized associations intending to influence the Commission, even if the association is not a party.</p>
Who Receives an Ex Parte Contact	<p>“Decisionmakers”</p> <p>Any Commissioner, Chief Administrative Law Judge, Assistant Chief Administrative Law Judge, assigned Administrative Law Judge, and Commissioners’ personal advisors.</p>
What is an Ex Parte Contact	<p>Ex parte contact</p> <p>May be oral or written and (1) is on substantive issues (not procedural inquiries) and (2) takes place outside the proceedings’ public hearing, workshop, or other public setting, or on the proceeding’s official record.</p>
What Restrictions Apply to Ratesetting Matters	<p>1. Permitted only in 3 situations:</p> <ul style="list-style-type: none"> (a) When at least three days notice is given that an oral contact is about to take place with a Commissioner and the meeting is open to all parties. (b) When an individual party has oral contact with a decisionmaker, all other parties are entitled to individual meetings of equal length. (c) Written contacts with a decisionmaker are sent to all parties on the same day they are sent to the decisionmaker. <p>2. Not permitted during the period established by the Commission in which the Commission may meet in closed session and discuss the issue:</p> <ul style="list-style-type: none"> (a) The period shall not exceed 14 days unless the issue is held. If held, the Commission may permit communications during the first half of the time between the held date and the date the issue is calendared for a final decision. (b) Or from the date of the deliberative meeting where the proposed decision is discussed through the Commission meeting in which a vote on the proposed decision is scheduled.⁴
What Reporting Requirements Apply	<p>Regardless of who initiated the communication, the interested person files an original plus seven copies of a notice of ex parte contact with the docket office. The notice must include: date, time, and location of contact, identities of decisionmakers involved, who initiated the contact, other people present, and description of the content of the interested person’s, but not the decisionmaker’s communication, including a copy of any written, audiovisual, or other material.</p>

⁴ Deliberative meetings are where the commissioners may meet in closed session to discuss ratesetting cases. Any Commissioner may call the meeting once a proposed decision is issued in a ratesetting matter in which evidentiary hearings have been held.

Comments

A party must file an original and four copies of comments with the Docket Office and serve the ALJ, assigned commissioner and all parties. A Certificate of Service must be attached to the original document.⁵ Comments should comply with RPP Rules 2—2.2 and 2.5. Factual assertions should be substantiated; those not based on fact will only be given the weight of argument.

On Proposed Decisions subject to PU Code Section 311.g, comments are due within 20 days after the decision is issued, replies are due within five days after the comments are filed.

Comments on Proposed Decisions

(RPP Rules 8.1-8.2, 77.1-77.7 and PU Code Section 311)

In **adjudicatory** proceedings in which a hearing was held, the presiding officer will prepare a decision which will be filed with the Commission and served on all parties, no later than 60 days after the case is submitted. The case is considered submitted after evidence and briefs are received and/or oral arguments are concluded.

A Presiding Officer's Decision becomes the Commission decision if no appeal or request for review is filed within 30 days after the decision is mailed to the proceeding's parties. At the presiding officer's discretion comments may be submitted (RPP Rule 8.2).

In **ratesetting or quasi-legislative** proceedings, the presiding officer will file a proposed decision within 90 days of submission (RPP Rule 8.1).

Comments on Proposed Decisions (subject to PU Code Section 311.g) are due within 20 days after the proposed decision is mailed and are limited to 15 pages, except in a General Rate Case proceeding and major generic investigations where the limit is 25 pages. Replies to comments may be filed five days after comments are filed and must not exceed five pages. Both must be filed and served as set forth in RPP Rule 77.2.

Comments on Alternates to Proposed Decisions

(AB 2850-Escutia) (RPP Rules 8.1, 8.2, 77.6 and 80) (PU Code Sections 311)

An alternate to a proposed decision (PD) is a substantive revision to a proposed decision that materially changes the resolution of a contested issue, or any substantive addition to

⁵ A certificate of service states you have mailed copies to all parties. See glossary for more information.

the Findings of Fact, Conclusions of Law or Ordering Paragraphs that are contained in a decision.

An alternate is filed and served on all parties to the proceeding and is subject to public review and comment before the Commission votes on it.

If the alternate is served with the ALJ's proposed decision or served at least 30 days before the Commission meeting at which the PD may be considered, RPP Rules 77.1 through 77.5 specify that the manner and time for filing comments on the PD will also apply to comments on the alternate.

If the alternate is served less than 30 days, but at least 14 days, before the meeting at which the PD will be considered, parties may file comments on the alternate at least seven days before the Commission meeting. RPP Rules 77.3—77.6 also apply to comments and replies on alternates. Comments and replies must also comply with RPP Rules 2, 2.1, 2.2 and 2.5, must be served on all parties, and must be separately served on the assigned ALJ and all the Commissioners (RPP Rule 2.3).

An applicant may file a motion for an extension of the comment period if it accepts the burden of any resulting delay. Any other party requesting an extension of time to comment must show that the benefits of the extension outweigh the burdens of the delay. In extraordinary circumstances a motion to accept comments filed late may be used.

Comments must focus on factual, legal or technical errors in the Proposed Decision and make specific references to the record. Comments proposing specific changes to the Proposed Decision shall include supporting Findings of Fact and Conclusions of Law.

Applications for Rehearing

(RPP Rules 85-86.2 and PU Code Sections 1731-1736)

Once the Commission has issued a decision, a party to the proceeding, a stockholder, bondholder or other party financially interested in the utility affected, may apply for rehearing on the basis of a legal error. The Commission may hold a rehearing on those matters if in its judgment there is sufficient reason.

Applications for rehearing must specify why you consider the order or decision to be unlawful. Vague assertions without citation to the record or the law may be ineffective.

A party generally files an application for rehearing with the Commission before going to any other court. The application for rehearing must be filed within 30 days after the Commission's decision is mailed (10 days if the decision relates to security transactions or the transfer of utility property). If it is filed 10 or more days before the order becomes

effective, the order is suspended until the application for rehearing is granted or denied. The suspension will lapse after 60 days unless the Commission extends the suspension period. An original and seven copies of the application for rehearing, and a certificate of service must be filed with the Docket Office and must be served on all parties.

If the party is not satisfied with the Commission's decision on the application for rehearing, the party may, within 30 days of the rehearing decision, petition for a writ of review in a California court of appeal or Supreme Court to determine the lawfulness of the final decision. Parties may also file for a writ of review if at least 120 days has passed after the application was granted and if no decision on rehearing is issued.

Petitions for Modification

(RPP Rule 47)

Anyone seeking to change the text of a Commission decision or resolution may file a Petition for Modification. It must justify the requested changes and must propose wording for all requested modifications. Factual allegations must be supported with specific citations to the proceeding's record or to matters that may be officially noticed (RPP Rule 73). Allegations of new or changed facts must be supported by declaration or affidavit.

A petition for modification must be filed and served on all parties to the proceeding within one year of the effective date of the decision proposed to be modified. If more than one year has elapsed, you must explain why the petition was not filed within one year. The petition must comply with RPP Rules 2—2.3 and 2.5. You must file an original and seven copies of the petition for modification with the Docket Office and the petition must comply with RPP Rules 2-2.5 and 47.

If you were not a party to the proceeding in which the decision was issued, the petition to modify that decision must state how you are affected by the decision and why you did not participate in the proceeding.

In response to a petition for modification, the Commission may modify the decision, set the matter for further hearing or briefing, or deny the petition.

Filing a petition for modification of a decision does not excuse compliance with that decision proposed.

Petition for Rulemaking

(RPP Rule 14.7 and PU Code Section 1708.5)

Individuals or groups may petition the Commission to adopt, amend or repeal a regulation. The proposed regulation must apply to an entire class of entities or activities over which the Commission has jurisdiction and must apply to future conduct. Generally, within six month of the petition's filing, the Commission may deny the petition or implement an OII or OIR to review the request.

Reassignment of an ALJ

(RPP Rules 63.1-10)

Under certain conditions, a request may be made to reassign a proceeding to a different ALJ. The rules about reassignment vary depending on the category of the proceeding. This section covers the major points involved in petitions for reassignment. For specifics, refer to, RPP Article 16, Rules 63.1-10, or call the Public Advisor.

Ex parte communications regarding the assignment or reassignment of ALJ are prohibited (RPP Rule 63.9).

There are three types of petitions for reassignment: petition for automatic reassignment, petition for reassignment due to past affiliations (unlimited peremptory), and petition for reassignment for cause.

Petition for Automatic Reassignment:

(RPP Rule 63.2)

The petition for automatic reassignment is used if the party believes that he or she cannot have a fair and/or expeditious hearing before the ALJ to whom the proceeding is assigned. The petition must be filed and served within ten days of the notice of ALJ assignment (or reassignment). In petitions for automatic reassignment, the only grounds for denial are the timeliness of the petitions.

In an **adjudicatory** proceeding, each party is entitled to exercise one petition for automatic reassignment, and each side may make only one petition for reassignment.

In a **ratesetting** proceeding, a party or anyone declaring the intention in good faith to become a party may exercise one petition for automatic reassignment; however, no more than two reassignments are permitted in the same proceeding.

In a **quasi-legislative** proceeding, the petition for automatic reassignment *is not available*.

Unlimited Peremptory Petition for Reassignment

(RPP Rule 63.3)

This is also referred to as a petition for reassignment due to past affiliations and is used in both adjudicatory and ratesetting proceedings. It is not available in quasi-legislative proceedings. The petition must be filed and served in the same manner as the petition for automatic assignment (RPP Rule 63.2), and must be done within ten days of the notice of assignment or reassignment. Any party may file an unlimited amount of petitions for reassignment for past affiliation. The petition must be supported by a declaration or affidavit under penalty of perjury stating that the assigned ALJ has done any of the following:

- Has served within the past 12 months in any advocacy position at the Commission or has been employed by a regulated public utility,
- Has served in a representative capacity in the proceeding, or,
- Has been a party to the proceeding.

Petition for Reassignment for Cause

(RPP Rule 63.4)

Any party may file this petition. A declaration or affidavit explaining factual basis must accompany the filing, like the unlimited peremptory petition. A petition for reassignment for cause must be filed and served in the same manner as the other petitions for reassignment. It must be filed no later than 10 days after the facts were discovered or should have been discovered by the petitioner. An ALJ may ask the parties to waive the reassignment, but may not seek to induce such a waiver.

Reassignment for Cause may be filed if item 1 or item 2 applies:

1. The ALJ has a financial interest in the proceedings' subject matter or in a party to the proceeding. An ALJ is considered to have a financial interest if:
 - a. A spouse or minor child living in with the ALJ has a financial interest; or,
 - b. The ALJ or spouse is a fiduciary that has a financial interest.

or,

2. The ALJ has bias, prejudice, or interest in the proceeding.

Information Sources

Further Reading and the Website

You should be aware of and become familiar with the following publications as you participate in CPUC proceedings. Decisions and rulings published after July 2000 are available on the website under “Official Documents” or Proceedings” and all of the other following documents are posted on the Internet, with links under “Laws, Rules, Procedures.”

Public Utilities Code
Article 12 of the California Constitution
CPUC Rules of Practice and Procedure
General Orders
ALJ Rulings
Decisions

The CPUC Website



<http://www.cpuc.ca.gov>

The Commission website contains numerous documents, links and copies of all formal documents the CPUC has issued since July 2000. Decisions, resolutions, rulings and reports are found under the **Official Documents** link in the website’s left column. The **Proceedings** link will take you to a list of all open proceedings with brief descriptions of the activity on them and also links to rulings and decisions. **The Laws, Rules, and Procedures** link contains General Orders, the Rules of Practice and Procedure and links to other important documents. The **Agenda** link provides current and past agendas and the results of those meetings. The **Daily Calendar** Link refers you to the Daily Calendar.

Central Files, Process and Docket offices, Calendar Clerk and Reporting

505 Van Ness Avenue, San Francisco, CA 94102

Central Files

(also known as Formal Files) Room 2002

Office Hours 8:00 a.m. to 5:00 p.m.

415-703-2045

This is the storehouse for filings, decisions, resolutions and transcripts of Commission proceedings. These files contain pleadings, exhibits, testimony, decisions, rulings and related correspondence, all of which is the Commission's official record for the particular proceeding. Approximately eight years of records are maintained at this office. This office also has decisions and resolutions issued prior to 1985 on microfilm available for public viewing. Older records are stored at an off-site location and may be retrieved on request. You will be charged postage and handling and it takes seven working days or more to retrieve these records.

The public may review any of the current filings at this office, or may order copies of decisions and orders from this office at 20 cents per page with a \$2.00 minimum charge.

The Los Angeles Office also keeps records on file for the public to view. The phone number is 213-576-7000.

The Commission staff also uses these records, so it's best to call ahead to make sure the material you want will be available when you visit the office. You should provide the proceeding number when you call.

Process Office

Room 2000

Office Hours - 8:00 a.m. to 5:00 p.m.

Closed from noon to 1:00 p.m.

415-703-2021

The Process Office is closed to the public on Commission meeting days from 10:00 a.m. to 4:00 p.m.

This office prepares and automatically mails to parties copies of signed Commission orders (proposed decisions, alternates, draft decisions, rulings and resolutions) to parties. This office maintains service lists for each formal proceeding and mails hearing notices to all parties on the service list after the Calendar Clerk has set a hearing date.

If you are interested in knowing the hearing dates for a particular proceeding, you may write to the process office for that information. Hearing dates also appear on the Daily Calendar which is now on the website.

The Process Office is responsible for preparing and distributing the Commission's agenda for each meeting, both within the Commission and to the public, in compliance with the Open Meeting Act which requires that all available agenda items be made public 10 days prior to each meeting. There are no substitutions or additions after the public notice except on emergency situations. The Process Office also staffs the Escutia Room where copies of the Commission Meeting Agenda, and all related proposed decisions and resolutions are available to the public before the Commission votes on them at the business meeting.⁶ The agenda and all related documents are also posted on the website.

Docket Office

Room 2001

Office Hours: 8:00 a.m. to 5:00 p.m.

Telephone Hours: 10:00 a.m. to 3:00 p.m.

415-703-2121

The Docket Office is the central and critical keeper of records on the status of formal proceedings. All formal pleadings are filed with this office. Formal pleadings can include: applications, complaints, applications for rehearing, briefs, protests, responses, statements, motions, various petitions, and written ALJ or Commissioner rulings. An electronic record is made for each new proceeding and all filings and actions are noted on the record. The Docket Office reviews all incoming documents to make sure they are submitted correctly and comply with the Commission's Rules of Practice and Procedure. The Docket Office issues docket numbers for each application, complaint, investigation or rulemaking and serves complaints on defendant utilities.

Under the direction of the Chief ALJ, the Docket Office prepares the Assignment List, showing the Commissioner and Administrative Law Judge assigned to each proceeding and circulates the Commission's Daily Calendar of hearings and other activities. The Assignment List is available from the Public Advisor's Office. The Daily Calendar is available at the Commission's offices in San Francisco and Los Angeles, may be subscribed to and is available for free on the website.

⁶ Named after Martha Escutia whose legislation specifies the availability of Commission meeting documents.

The Docket Office answers inquiries about rules, filing fees, status of filings and assignment matters. If you have any questions about the information to be included in your filing, contact the Docket Office or the Public Advisor's Office. You can also monitor pending proceedings on our website under the heading "Proceedings."

Reporting Section

Room 4105

The Reporting Section coordinates hearings with the Calendar Clerk, prepares transcripts of formal hearings and develops the service list from the appearance forms completed during formal hearings.

Calendar Clerk

Room 5013

Office Hours: 8:30 a.m. to 5:00 p.m.

Closed from noon to 1:00 p.m.

415-703-1203

The Calendar Clerk arranges hearings as directed by the assigned Administrative Law Judge and coordinates with the Reporting Branch to ensure that a court reporter will report the hearing. Whenever possible, it is the Commission's policy to schedule hearings, meetings, or workshops in locations that are accessible to everyone. To verify that a particular location is accessible to you, call the Public Advisor's Office. Specialized accommodations, such as a sign language and foreign language interpreters, may be arranged by calling the Public Advisor at 415-703-2074, or toll free 866-849-8390 or TTY 866-836-7825 or 415-703-5282 at least five working days before the event.

Financial Reports

All privately owned utilities and motor carriers must file reports. These reports contain balance sheets, income statements, depreciation, and other financial matters relating to the company's operation. You may contact the various divisions about the reports as follows:

Water Reports 415-703-1133

Form Number	Form Title
WU-1	Annual Report, Class A, B and C Water Utilities
WU-2	Annual Report, Class D Water Utilities
DWSO-1	Annual Report, District Water System Operations

Telecommunications Reports 415-703-3051

Form Number	Form Title
FORM L	CPUC Annual Report of Radiotelephone Utilities
FORM M	Annual Report, Federal Communications Commission
CC-1	Annual Report (Attachment A), Cellular Communications Resellers
CC-2	Annual Report, Cellular Communications Licensees (Wholesalers)
ITC-1	Annual Report (Attachment A), Calif. Interexchange Telephone Carriers
TU-1	Annual Report, Class C Telephone Utilities
AFR-1	Annual Financial Reports (1986)

Financial Reports Continued

Consumer Protections Safety Division Reports 415-703-2179

Form Number	Form Title
VCC-1	Annual Report, Class A and B Vessel Common Carriers
VCC-2	Annual Report, Class C Vessel Common Carriers
MCP-1	Annual Report, Class II and Class III Passenger Motor Carriers
MP-1	Annual Report, Class I Passenger Motor Carriers
FORM R-1	Annual Report Class I Railroads
MCP-1	Annual Report of Certified Permitted Motor Carriers of Property

Energy Reports

Form Number	Form Title
FERC Form 2	Annual Report of Major Natural Gas Companies
FERC Form 2-A	Annual Report of Non-major Natural Gas Companies
GU-1	Annual Report Class C and D Gas Utilities
FERC Form 6	Annual Report of Oil Pipeline Companies (formerly ICC Form P)
EU-1	Annual Report (Systems Operations) Class C and D Electric Utilities
EU-2	Annual Report Class A and B Electric Utilities

The Branch Offices

The Los Angeles office is the CPUC's main branch office. You may submit formal filings there, request copies of documents and discuss formal matters with the Public Advisor's staff. It is best to call the general number before coming in to make sure they have the information you need.

Los Angeles Office
320 W. Fourth St., Ste 500
Los Angeles, CA 90013
8:00 a.m. to 5:00 p.m.
213-576-7000

Deposits or expenditures greater than \$20.00 must be made by check, money order or cashiers check.

The Commission has an office in San Diego for its staff, but you may also file formal documents through this office. Since most staff assigned to this office are in the field all day, it's best to call ahead before visiting the office.

San Diego Office
State Building, Rm. 4006
1350 Front Street
San Diego, CA 92101
619 525-4217

Appendix

Glossary

Commission Divisions

Telephone Directory

Major California Utilities

Document Price List

Sample Forms

Intervenor Compensation Formats

Scoping Memo Information for Applications

Bibliography

Glossary

- A -

Adjudicatory proceedings are--(1) enforcement investigations into possible violations of any provision of statutory law, order or rule of the Commission; and (2) complaints against regulated entities, including complaints that challenge the accuracy of a bill, but excluding complaints that challenge the reasonableness of rates or charges, past, present, or future.

Administrative Law Judge (ALJ)--A Commission staff member who serves as a hearing officer at formal CPUC proceedings. An ALJ conducts public hearings, issues rulings, questions witnesses, and prepares draft decisions and orders for the Commission's consideration.

Advice Letter--A filing by letter to make minor changes in rates and services which, unless ordered by the Commission, do not require formal public hearings.

Agenda--The notice of business to be considered and voted upon at the CPUC's formal decision-making meeting.

Annual Energy Rate (AER)--An electricity rate set once a year in energy cost offset proceedings which recovers a portion of the utility's forecasted fuel and purchased power expenses; it is set a year in advance and cannot be adjusted. The AER is intended to encourage electric utilities to manage prudently their energy expenses.

Appearance--A person, group or corporation, which has become a party to a formal proceeding by submitting an appearance form at the hearing. Such a party may present evidence, cross-examine witnesses, sponsor witnesses, file briefs, and appeal the results of the proceeding.

Applicant--A person, group or utility filing a formal application with the CPUC seeking authority to do something.

Application--A formal, written request by a utility to establish or change rates, terms or conditions of service.

Attrition Rate Adjustment (ARA)--Raising or lowering a utility's rates to compensate for the effects of inflation.

Attrition Year—part of a General Rate Case, usually rates are set for three years and in a fourth year, changes in rates may take place due to forecasts for attrition.

- B, C, D -

Balancing Account--An account used to match the collection of actual revenues against actual costs after an adjustment for unanticipated changes in expenditures; fuel costs or major plant additions are often put into balancing accounts.

Benchmark Rate of Return - The percentage of rate of return that the Commission has set as the maximum earnings under the alternate Regulatory Framework that the carriers may retain without returning a portion of earnings to customers. Between the benchmark return and the earnings cap, 50% of earnings are to be returned to customers; above the earnings cap, all earnings are to be returned to customers.

Brief--A document citing all facts and points of law relied on by a party in a formal proceeding. It is usually filed at the conclusion of the proceeding.

CAB--An acronym for the CPUC's Consumer Affairs Branch which assists consumers in resolving complaints against utilities.

Complainant--A person or group which files a complaint charging a utility violated a law, order, tariff, or rule of the CPUC.

Complaint--A charge by any person or group that a utility or transportation company under CPUC jurisdiction has violated the Public Utilities Code or an order or regulation of the Commission. Complaints may be either formal or informal.

Daily Calendar--A listing of new filings, Commission meetings, Commission decisions, and the date, time and location of all hearings and workshops. The public may subscribe to the Daily Calendar on a daily or weekly basis or access it from the website.

Defendant--The entity, usually a utility, charged in a complaint proceeding with violating a law, order, tariff or rule of the Commission.

- E -

Energy Cost Adjustment Billing Factor (ECABF)--The positive or negative surcharge on customers' bills used to recover energy costs in rates.

Environmental Impact Report (EIR)--A study and report, required by the California Environmental Quality Act (CEQA), on environmental impacts and mitigation measures, if any, of a proposed project.

Evidence--Oral testimony, written documents, or physical materials included in the record of a formal proceeding.

Exhibit--A physical object, usually in writing, offered as evidence in a hearing.

Ex Parte-- Contact between a party to a proceeding and a decisionmaker outside the presence of other parties. In some proceedings, ex parte contacts are banned; in others, specific rules have been established to ensure other parties and decisionmakers are notified of the contact and what transpired. See the ex parte section in this guide and the Rules of Practice and Procedure for details.

Expedited Complaint Procedure (ECP)--A procedure for handling quickly formal complaint cases involving less than \$5,000, the limit of the Small Claims Court. The ECP ensures a hearing, without a court reporter, within 30 days after an answer to a complaint is filed. Only the complaint and the answer are heard; the parties represent themselves.

- F - L -

Federal Communications Commission (FCC)--The federal agency that has jurisdiction over the rates and services of interstate telecommunications.

Federal Energy Regulatory Commission (FERC)--An independent regulatory body within the federal Department of Energy which regulates interstate gas and electric rates and facilities, as well as hydroelectric plant licenses.

Formal Complaint--A formal charge that a utility, motor carrier or person (the defendant) has violated the Public Utilities Code or some order or regulation of the Commission. The complaint must be in writing, be in accordance with the Commission's Rules of Practice and Procedure and be made under oath.

Formal Decision--The final action taken on a pending application or other proceeding and signed by a majority of the commissioners. Note: a proceeding which has many issues to consider may yield many interim decisions as each phase of the proceeding is decided. These are still formal decisions and carry the same weight.

Full Panel Hearing--The commissioners sitting as a group in formal session, usually to hear oral argument in a major proceeding. These have also been called “En Banc” hearings.

General Order--A Commission order which sets standards, procedures or guidelines applicable to a class of utilities, as distinguished from a decision affecting only a single utility.

General Rate Case (GRC)--A proceeding in which the Commission takes a broad, in-depth look at a utility's revenues, expenses and financial outlook and considers quality of service and other factors to arrive at just and reasonable rates. Traditionally, these have been the major regulatory proceedings that come before the Commission.

Impound--Money deposited with the Commission by customers who dispute their bill, but who wish to continue utility service. Also called deposits.

Informal Complaint--In response to a customer complaint which has not been resolved between the customer and the utility, CPUC staff seek to resolve a problem through informal contact with the utility and without a public hearing or commission order. Informal complaint files are not available for public inspection.

Interested Party--An individual or group appearing in a formal proceeding without declaring, in advance, a position for or against a proposal in question.

Intervenor—Someone who formally participates in a CPUC proceeding. If the intervenor shows financial hardship and makes a substantial contribution to a proceeding, the intervenor may receive compensation for the work.

Intevenor Funding Program—Provides after-the-fact funding to groups or individuals who have a financial hardship and have made contributions to a Commission decision. The program doesn't apply to transportation matters or compensate complainants in their own cases.

Lawful Rate--A just, reasonable, and nondiscriminatory rate approved by the Commission.

- M – Q -

Major Additions Adjustment Clause (MAAC)--A procedure to enable utilities to recover the cost of owning, operating and maintaining certain designated major plant additions
California Public Utilities Commission – www.cpuc.ca.gov

that are placed in service between General Rate Cases (e.g. San Onofre Nuclear Generating Station). A MAAC proceeding is often divided into two phases: the first phase covers ratemaking features for recovery of costs of operating and maintaining the new facility, and capital costs; the second phase deals with the reasonableness of the new plant's construction.

New Regulatory Framework (NRF)--New Regulatory Framework adopted in D.89-10-031. It is an incentive-based form of regulation using a price cap indexing mechanism.

Notice of Intent (NOI)--Preliminary notice of a utility's intent to file for a general rate case application.

Order Instituting Investigation (OI)--A Commission-initiated proceeding to examine specific issues that may lead to a new or changed legislation, programs, enforcement, policies or rates.

Order Instituting Rulemaking (OIR)--A Commission-initiated proceeding that may examine current rules and develop new ones.

Overcharge--Any rate charged by a public utility or carrier in excess of its authorized tariff rates.

Petitioner--Any party who files a petition in a CPUC proceeding, such as a petition to modify a Commission decision, or a petition to intervene in a proceeding.

Pleading--A general term which refers to a document filed with the Commission, including applications, complaints, petitions, motions and usually requesting some action from the Commission.

Prehearing Conference--A formal hearing that determines the parties in the proceeding, the issues and a preliminary schedule.

Presiding Officer's Decision (POD)—used in formal complaint proceedings where a hearing was held. The POD is served on the parties and filed with the Commission. Parties have 30 days to file for an appeal, and Commissioners have 30 days to ask for a review. If neither is done, the decision automatically becomes the final Commission decision.

Protestant--A party who files a protest to an application or other filing by another party.

Quasi-legislative proceedings--Proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

- R -

Rate Base--The total of original cost of a utility's investment in operative property presently devoted to public service, minus the amount of accrued depreciation on such property, plus an allowance for working capital, plus or minus certain other items. This investment base is the amount to which the rate of return is applied.

Rate Design--The process of setting rates to recover the allocated amount of revenue from each customer class.

Rate of Return--Percentage allowed by the Commission as a fair and reasonable return on rate base. This rate of return may vary with types and sizes of utilities or other circumstances. The utility may or may not actually earn this rate of return, depending upon conditions and its management decisions.

Ratesetting proceedings--Proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). Ratesetting proceedings include complaints that challenge the reasonableness of rates or charges, past, present, or future.

Return on Equity--The profits distributed to common shareholders after all expenses, interest costs and preferred stock dividends have been paid. In ratemaking, it represents the level of revenue needed that will permit equity stockholders the opportunity to earn a fair return on their investment in the utility.

Revenue Requirement--The total amount of revenue needed to pay all operating and capital costs of doing business.

Rules of Practice and Procedure--The rules in Title 20, California Code of Regulations, governing the conduct of utilities, transportation companies, and the public in proceedings before the CPUC.

- S – Z -

Serve--To deliver by mail, in person or by electronic means.

Statement--Unsworn view or opinion offered at a public hearing, made part of the file but not subject to cross-examination. (Also see Testimony)

Tariff--A document filed by a utility with the CPUC which specifies lawful rates, charges, rules and conditions under which it will provide services to the public.

Test Year--A 12-month operating period used to evaluate the cost of service and adequacy of present or proposed rates. Generally used as the basis for general rate case calculations.

Testimony--A declaration, oral or written, given under oath at a public hearing and subject to cross-examination (see Statement).

CPUC Divisions

You may want to print out a copy of the CPUC’s annual report from the website, or read more about the Commission and its organization and function on the website. Following are summaries of certain divisions.

Communications and Public Information

These offices focus on providing information and assistance to the media and general public, including assistance in formal procedures, bilingual communication, community outreach and assistance with utility charges and service. The Public Advisor’s Office, mentioned earlier in this guide, is included in this division. The division also oversees the Commission’s WMDVBE program that encourages CPUC regulated entities to select vendors from women, minority, disabled-veterans owned enterprises. The Consumer Affairs Branch answers questions or investigates complaints about telephone, water, gas or electric service or bills that you have not been able to resolve with the utility. You may use the complaint form on the website, call, write, or email the CPUC Consumer Affairs Branch at:

consumer-affairs@cpuc.ca.gov

CPUC Consumer Affairs
505 Van Ness Avenue, Room 2003
San Francisco, CA 94102
415-703-4973
Toll Free 800-649-7570
TDD 415-703-2032

Industry Divisions

These divisions assist the Commission by monitoring industry trends, analyzing utility applications, reviewing environmental impact reports, recommending consumer safeguards and services, enforcing safety requirements for rail, rail transit, pipelines and utility facilities. For further reading about the Commission divisions, read the annual report posted on the website under “About the CPUC” or explore the divisions’ web pages.

Office of Ratepayer Advocates

The Office of Ratepayer Advocates (ORA) by statute, ORA is an independent arm of the Commission which advocates informally, and in proceedings, on behalf of all classes of utility ratepayers: residential, commercial, agricultural and industrial.

Administrative Law Judge Division

The Administrative Law Judges are the hearing officers for most formal proceedings. They organize, schedule and preside over the hearings. The ALJ swears in witnesses, takes testimony under oath, and rules on motions. The ALJ ensures that CPUC rules are adhered to in developing an evidentiary record. The ALJ rules on discovery motions, hears all of the evidence presented by all of the parties, makes recommendations to the assigned Commissioner on the key issues, and prepares a proposed decision for the Commission's consideration. The ALJ division includes offices that intervenors rely on in formal proceedings; specifically, Docket, Process, Central Files, Calendar Clerk, and Reporting. Each is office explained in this guide under Information Sources.

Legal Division

The Legal Division provides legal services to the Commissioners and all CPUC divisions.

The Office of Governmental Affairs

This office represents the Commission before the State Legislature and Executive Branch, and oversees representation of the CPUC and State of California before the United States Congress and federal agencies.

Executive Director's Office

The Commission appoints the Executive Director who directs the Commission's operations and affairs and expedites all matters within the Commission's jurisdiction.

Telephone Directory

SAN FRANCISCO OFFICE - GENERAL INFORMATION 505 Van Ness Avenue, San Francisco, CA 94102	415-703-2782 fax 415-703-1758
Administrative Law Judge Division	415-703-2008
Calendar Clerk	415-703-1203
Central Files	415-703-2045
Docket Office (Please call between 10:00 a.m. and 3:00 p.m. only)	415-703-2121
Process Office	415-703-2021
Public Advisor	415-703-2074 866-849-8390
Office of Ratepayer Advocates	415-703-2061
Transportation (General Information)	800-877-8867
Transportation (Household Goods Complaints)	800-366-4782
Annual and Other Financial Reports	415-703-1961
Document Sales	415-703-1713
Consumer Affairs Branch	800-649-7570 TDD-415-703-2032
LOS ANGELES OFFICE - GENERAL INFORMATION 320 West 4 th Street, Suite 500, Los Angeles, CA 90013	213-576-7000 fax 213-576-7059
Public Advisor	213-576-7057 866-849-8391
Outreach Office	213-576-7058
SAN DIEGO OFFICE – GENERAL INFORMATION 1350 Front Street Room 4000, San Diego, CA 92101	619-525-4217
Outreach Office	619-525-4309

Major California Utilities

Verizon (formerly GTE) California Incorporated
112 Lakeview Canyon Road
Thousand Oaks, CA 91362
805-372-6000

SBC
140 New Montgomery Street
San Francisco, CA 94105
415-542-9000

Pacific Gas & Electric Company
77 Beale Street
San Francisco, CA 94106
415-973-7000

San Diego Gas and Electric
101 Ash Street
P. O. Box 1831
San Diego, CA 92112
619-696-2000

Southern California Edison Company
2244 Walnut Grove Avenue
P. O. Box 800
Rosemead, CA 91770
626-302-1212

Southern California Gas Company
555 W. Fifth Street
P. O. Box 3249, Terminal Annex
Los Angeles, CA 90051
213-244-1200

Document Price List

Item	Price	Item	Price
Maps		Miscellaneous	
Telephone Exchange/LATA	\$7.00	CPUC Handbook	Free
		Public Utilities Code	8.00
General Orders		Rules of Practice and Procedure	5.00
General Orders Book	15.00	Annual Report, first copy	Free
General Orders Leaflets, first copy	Free	- each additional copy	10.00
- additional copies	0.50	Telephone Directory	4.00
<i>except line construction general</i>		Standard Practice U-4	2.50
<i>orders</i>		Workplan, first copy	Free
G.O. 95 (overhead)	20.00	- each additional copy	10.00
G.O. 128 (underground)	5.00		
Utilities Lists			
Water and Sewer	5.00		
Gas and Electric	1.00		
Telephone, local service	3.00		
Telephone, toll service	3.00		
Wireless Companies	1.00		
MISCELLANEOUS REPORTS			
Revenue Equipment Historical Cost (Report 511-45)		\$15.00	
Enhancing California's Competitive Strength: A Strategy for Telecommunications Infrastructure (1993)		first copy FREE	
Universal Service Report to the Legislature (In Response to AB 3643) (12/95)		FREE	
Guidelines for Prospective Non-Dominant Interexchange and Intralata Toll Carriers (1994)		\$11.00	
Report on Workshop for G.O. 153		\$ 7.00	
Guidelines for customer owned pay telephone (COPT) owners		\$15.00	

Sample Forms

Sample Appearance form:

Please note: the Appearance and Transcript forms are on one page – for purposes of this Guide only, samples are shown here on separate pages. We advise that you use the one page form when filing Appearances or requesting Transcripts.

CALIFORNIA PUBLIC UTILITIES **Date:** _____
COMMISSION
505 Van Ness Avenue, Room **Proceeding No.:** _____
2106
San Francisco, California 94102 **ALJ:** _____
(415) 703-2288
FAX: (415) 703-1472

Notice of Party/Non-Party Status

Please check appropriate box(es) and print legibly.

? APPEARANCE (party
status)

Attorney at Law

Applicant

Complainant

Defendant

Intervenor

Respondent

Interested

Party

Protestant

? STATE SERVICE (non-
party) - (California State
employees receive all
documents that
“Appearances” receive.)

**? INFORMATION
ONLY**

(non-party) (receives
notices of hearing, ALJ
Rulings, Proposed and
Commission Decisions
at no charge.)

Have you appeared before the CPUC before? (Check one) ☐ Yes ☐ No

Name: _____

Firm: _____

Address: _____

City: _____ **State:** _____ **Zip Code:** _____

Phone: _____ **E-mail:** _____

Fax: _____

Appearing for: _____

Sample Transcript Order Form:

TRANSCRIPT ORDER

Regular Transcript (allow 2 - 4 week delivery)		\$2.00 per page
Daily (same-day) or Expedited (1 – 5 day) Transcript	add	\$4.00 per page
Realtime Reporting (with Daily only)	add	\$1.00 per page
(Note same-day delivery by e-mail only; hard copy delivered next day by 10:00 a.m.)		
Compressed (must purchase complete transcript)		\$20.00
Disk (must purchase complete transcript)		\$20.00

Please check:

☐ **Regular Transcript** (2 - 4 week delivery)
E-mail (2 - 4 week delivery)

☐ **Daily Transcript** (hard copy delivered next day by 10:00 a.m.)
E-mail (same-day delivery)

☐ **Disk** (must purchase complete transcript)

☐ **Realtime Reporting** (available with Daily only)

☐ **Compressed** (must purchase complete transcript)

Transcript for:
☐ This Day Only
☐ Entire Proceeding

For partial transcript, state which portion and date(s):

Deliver to:
Name: _____
Address: _____
_____:

Regular Mail
Next Day Courtroom (Before 10 a.m.)
Next Day Documents Box (Before 10 a.m.)

Bill to:
Name: _____
Address: _____
_____:

Next Day Mail
FedEx No.: _____

Signature: _____

Back of Appearance/Transcript Form:

PARTY/NON-PARTY DESIGNATIONS

APPEARANCE (PARTY STATUS)

Appearances are parties with all attendant rights and obligations. The terms “Appearances” and “parties” are used interchangeably in this document.

This category initially includes those who have filed an application, protest, or motion to intervene; to remain in this category, those who have filed one of these documents must file a formal appearance at the first hearing. If you have not filed an application, protest, or motion to intervene, but wish to be an active party, you must attend a prehearing conference or hearing and file an appearance at the direction of the Administrative Law Judge.

Appearances receive exhibits, testimony, and all formally filed documents, including pleadings, motions, rulings, proposed decisions, and Commission decisions. Parties are required to serve their pleadings on all other parties (i.e., Appearances) and on those in the **State Service** category.

STATE SERVICE (NON-PARTY STATUS)

Those in this category are Commission staff members, divisions, or branches; Legislators or their staff members; and state agencies or their staff members who have indicated in writing to the Process Office that they wish to be included in this category to monitor a proceeding.

Although not required to file an appearance, those in the **State Service** category receive the same documents as **Appearances**, and parties are required to serve their pleadings on all those included in the **State Service** category. However, those included in the **State Service** category may not file pleadings, and they are not parties to the proceeding.

INFORMATION ONLY (NON-PARTY STATUS)

Those in this category will receive all Commission-generated notices of hearing, rulings, proposed decisions and Commission decisions at no charge. Parties are not required to serve their pleadings on those included in the **Information Only** category. Requests to be added to the **Information Only** category may be made by letter to the Commission’s Process Office.

PLEASE NOTIFY Process Office, 505 Van Ness Avenue, San Francisco, CA 94102, (415) 703-2021, of any change of address. Requests to be added to the **Information Only** category may be made by letter to the Process Office. All other inquiries should be directed to the Administrative Law Judge assigned to the particular proceeding.

TRANSCRIPT AVAILABILITY FOR PUBLIC PARTICIPANTS

The CPUC provides free transcripts to public participants who have received a financial hardship determination (PU Code Section 1804). If you have been found eligible for compensation, you can order transcripts at no charge by using the transcript order form on the reverse side.

Participants should only request transcripts, which relate to issues in which they will actively participate. Participants must inform the Court Reporter (415) 703-2288 in advance when they will need transcripts and when they no longer need them. Parties will be billed for back issues of transcripts.

The Commission's Formal Files (Room 2002) receives the original of each transcript in a proceeding. It is available to the public, but cannot be removed from the file room. Parties who have filed for a finding of eligibility, or who intend to do so and who need to check out transcripts from Formal Files, should contact the Public Advisor's Office (Room 2103 or call (866) 849-8390) and request that a circulation copy be ordered. It's important to order a transcript as soon as you know you will need it; transcripts should be ordered the day of the hearing (or sooner if you know which dates you will need).

PUBLIC PARTICIPANTS ONLY

Please refer to "Transcript Availability for Public Participants" (see above) before answering these questions:

Have you or has your organization received a determination of financial hardship based on your request for finding of eligibility for intervenor compensation within the last year? Yes_____ No_____

If yes, in which proceeding was the determination made; what was the date of the determination and the decision number? _____

Do you wish to receive transcripts in this proceeding? (Transcripts are provided free to parties who have been found to have a financial hardship as part of their eligibility request for intervenor compensation.)
Yes_____ No_____

Are you currently seeking a financial hardship determination as part of an eligibility filing for intervenor compensation? Yes_____ No_____

If yes, in which proceeding was the filing made and what was the date of the filing? _____

Do you need to have a circulation copy of the transcripts available while your financial hardship determination is pending? Yes_____ No_____

Sample Data Request form:

NOTE: Data requests need **not** be served on all parties.

Date

LEGAL DEPARTMENT

[Name of Utility]

[Address of Utility]

Dear Sir:

In connection with my pending complaint, Case (C. 86-__-__), I hereby make a formal data request.

- 1) All documents concerning _____.
- 2) [Be sure to be as specific as you can]
- 3)
- 4)

Please provide this information to me as soon as possible so that I might prepare my case for hearing. Thank you for your prompt reply.

Sincerely,

J.Q. Public

cc: ALJ

Sample Petition to Intervene

BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

Order Instituting Rulemaking on policies)
and practices for advanced metering,)
demand response, and dynamic pricing.)
_____)

R.02-06-001

**PETITION TO INTERVENE
IN THE ABOVE-CAPTIONED PROCEEDING BY
[INSERT GROUP OR INDIVIDUAL NAME]**

[PARTY NAME] respectfully requests leave to intervene in the above-captioned proceeding. [Party] has expertise on [provide specifics]. This expertise supplements in unique ways that of the current parties. [Add any other information such as, the reason why you have an interest in the proceeding and the contribution you can make.]

Respectfully submitted this [date].

[name of petitioner's contact person]
[name of party, if different from contact person]
[address]
[telephone number]
[e-mail]

Sample Comments

BEFORE THE
PUBLIC UTILITIES COMMISSION
OF THE
STATE OF CALIFORNIA

Order Instituting Rulemaking on policies)
and practices for advanced metering ,)
demand response, and dynamic pricing)
_____)

R.02-06-001

COMMENTS OF [PARTY] AS IT RELATES TO [PROCEEDING OR PARTICULAR
ISSUE(S) IN THE PROCEEDING]

[party] is participating in the above-captioned proceeding and respectfully submits the following comments.

In regards to [specific issue], we wish to clarify [provide any details]
Our second comment concerns the [provide details].

[summarize points] Technology incentives have played a key role in_____
Thank you for your time and we trust our comments are clearly articulated and will not be subject to any misinterpretation. We greatly appreciate the opportunity to comment.
Respectfully submitted,

[contact name]
[party name, if different from contact]
[address]
[Telephone number]
[email]

Certificate of Service Sample:

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused a copy of PACIFIC GAS AND ELECTRIC COMPANY'S (PG&E'S) CONCURRENT OPENING BRIEF in A.91-11-036 to be mailed by first-class mail to each of the parties of record in this proceeding.

Executed at San Francisco, California, [date]

Signature

Sample Verification Form:

VERIFICATION

(For Individuals or Partnerships)

I am (one of) the complainant(s) in the above-entitled matter; the statements in the foregoing document are true of my knowledge, except as to matters which are therein stated on information and belief, and as to those matters, I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, at _____, California.

Complainant

(If more than one complainant, only one need sign)

VERIFICATION

(For a Corporation)

I am an officer of the complaining corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except as to the matters which are therein stated on information and belief, and as to those matters I believe them to be true.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on _____, at _____, California.

(Signature & Title of Corporate Officer)

Process Office Notice Form:

NOTICE

Parties of Record should notify the PROCESS OFFICE of the PUBLIC UTILITIES COMMISSION of any change of address to insure continuous receipt of documents.

Please indicate PROCEEDING NUMBER of Applications, Cases, etc. of the SERVICE LIST on which your name appears. Address all changes to:

PUBLIC UTILITIES COMMISSION

PROCESS OFFICE

505 VAN NESS AVENUE, RM. 2000

SAN FRANCISCO, CA 94102

and please attach your old label below:

Old Label - Thank You

Intervenor Compensation Formats

August 31, 1998

To: All Third Party Intervenor
R.95-04-043/I95.-04-044

Following pages include spreadsheets developed by the Public Advisor's Office to comply with Decision 98-04-059. Please use these standard formats to record your intervenor compensation expenses to expedite the review process.

Please direct your comments/suggestions to the Public Advisor's Office, 505 Van Ness Avenue, Room 5303, San Francisco, CA 94102.

CPUC Guide to Public Participation

Intervenor_____

Proceeding Number_____

Name_____

Status: Claimed and awarded

ISSUE	IR	GP	COMP	GD	IC	IR	NP	PF	RA	RD	OSS	#	UNIV	EA	RATE	FEES
TOTAL																

Key:

Base - basic activities

GP – General Prep. Time

Comp – Compensation

GD – Geographical deaveraging

IC - Implementation Cost Issue

IR - Interim Rules

NP - Interim Number Portability

PF - LEC Pricing flexibility

RA - Rating area

RD - Resale discount

- Time Spent on numerous issues in a single day

EA- Equal Access

OSS - Operation Support System

Totals by Year – Claimed/Awarded

California Public Utilities Commission – www.cpuc.ca.gov

Proceeding Number_____

(All Hours are incurred but not yet claimed)

Name_____

Issue	Base												Comp	Totals	Rates	Fees

Intervenor

Proceeding Number _____

(All hours are incurred but not yet claimed)

Name _____

Status: Claimed/Awarded

Incurred/Not Claimed

Issue	Base	CM	Compensation	Base	CS	Compensation	Totals	Rates	Fees

Key:

CS Cost Studies

CM Cost Methodology

Comp

Compensation

Proceeding Number _____

(all hours are incurred but not yet claimed)

Name _____

Issue	Base	GP	BS	CI	HCF	SL	ULTS	Comp	#	Totals	Fees
Total											

Key:

Base

Basic Activities

GP General Prep Time

BS Basic Service

CI Consumer Information

HCF High Cost Fund

SL School and Libraries

ULTS

Universal Lifeline Telephone Service

Comp

Compensation

Time spent on numerous issues in a single day

CPUC Guide to Public Participation

Intervenor

Proceeding Number _____

(All hours are incurred but not yet claimed)

Name _____

Issue	Base	Base	Base	Base	Base	Base	Base	Base	Base	Base	Base	Total	Rates	Fees
Totals														

CPUC Guide to Public Participation

Proceeding Number _____

Expenses (requested amounts)

Status of Expenses Claimed/Awarded	
Photocopy	
Postage	
Fax and Phone	
Overnight Mail	
Transportation and Meals	
Total	
Photocopy	
Postage	
Fax and Phone	
Overnight Mail	
Transportation and Meals	
Total	
Grand Totals	

Scoping Memo Information for Applications

(DATE)

Dear Applicant:

Subject: supplement to Application

Applications filed after January 1, 1998, are required to include the following information:

Category
Need for Hearing
Issues
Schedule

A well-prepared Application should contain a clear and concise summary of the issues that the Commission is being asked to resolve. If your application already contains a summary of the issues to be considered by the Commission, simply indicate on the form the section or page of your application where the issues are summarized. If your application does not contain this information, please summarize the issues on the attached form or on a separate page.

Attachments:

Scoping Memo Information for Applications – attachments

A. Category⁷ (Check the category most appropriate)

Adjudicatory – Proceedings which are 1./ enforcement investigations into possible violations of any provision of statutory law or order or rule of the Commission, and 2./ complaints against regulated entities, including those complaints that challenge the accuracy of a bill, but excluding those complaints that challenge the reasonableness of rates or charges, past, present, or future.

Ratesetting – Proceedings in which the Commission sets or investigates rates for a specifically named utility (or utilities), or establishes a mechanism that in turn sets the rates for a specifically named utility (or utilities). “Ratesetting” proceedings include complaints that challenge the reasonableness of rates or charges, past, present, or future. Other proceedings may also be categorized as ratesetting when they do not clearly fit a category.

Quasi-legislative – Proceedings that establish policy or rules (including generic ratemaking policy or rules) affecting a class of regulated entities, including those proceedings in which the Commission investigates rates or practices for an entire regulated industry or class of entities within the industry.

B. Are hearings Necessary? ☐ Yes ☐ No

If yes, identify below, the material disputed factual issues on which hearings should be held, and the general nature of the evidence to be introduced.

⁷ Rules, Article 2.5, especially Rules 5 and 6a.

Bibliography

“Consumer Guide to the California Public Utilities Commission.” (Available from San Francisco and Los Angeles Offices and on the Commission website under Public Advisor.)

“California Public Utilities Commission Annual Report.” (Available from the website under About the CPUC.)

“Resource, An Encyclopedia of Energy Utility Terms.” Second Edition. Pacific Gas and Electric Company. January 1992

“California Public Utilities Commission General Orders.” (Available from San Francisco and Los Angeles Offices and on the website under Laws, Rules and Procedures.)

“State of California Public Utilities Code and Related Constitutional Provisions.” (Available from San Francisco and Los Angeles Offices and on the website under Laws, Rules and Procedures.)

“California Public Utilities Commission Rules of Practice and Procedure (Title 20).” (Available from San Francisco and Los Angeles Offices and on the website under Laws, Rules and Procedures.)

“The Energy Cost Adjustment Clause: Regulation of Energy Costs of Electric Utilities in California.” Fuels Branch-Division of Ratepayer Advocates. November 1989. (A briefing paper available from the Public Advisor's Office.)

“California Public Utilities Commission Intervenor Compensation Decisions.” Annotated Bibliography 1981-1999, (Available from the Public Advisor's Office.)

“California Public Utilities Commission Work Plan.” (Available on the website under About CPUC.)

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